

EXHIBIT O

UNCERTIFIED ROUGH DRAFT

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2 ROUGH DRAFT TRANSCRIPT. It contains raw output
3 from the Court Reporter's stenotype machine
4 translated into English by the Court Reporter's
5 computer without the benefit of proofreading. It
6 will contain untranslated steno outlines,
7 mistranslations (Wrong Words), and misspellings.
8 These and any other errors will be corrected in
9 the final transcript.

10 Since this ROUGH DRAFT
11 TRANSCRIPT has not been proofread, the Court
12 Reporter cannot assume responsibility for any
13 errors therein. This ROUGH DRAFT TRANSCRIPT is
14 intended to assist attorneys in their case
15 preparation and is not to be construed as the
16 final transcript. It is not to be read by the
17 witness or quoted in any pleading or for any
18 other purpose and may not be filed with any
19 court.

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09:31:10AM 1 THE VIDEOGRAPHER: Okay. We are now
2 on the video record.

3 Today is October 13, 2021. The time
4 is approximately 9:31 Eastern time.

5 We are here in the matter of the
6 insolvency proceedings for the Commonwealth of
7 Puerto Rico to take the deposition of Marti
8 Murray.

9 Counsel will be identified on the
10 stenographic record, and the court reporter may
11 proceed.

12 MARTI P. MURRAY
13 of lawful age, Witness herein, having been first
14 duly cautioned and sworn, as hereinafter
15 certified, was examined and said as follows:

16 CROSS-EXAMINATION

17 BY MS. JENNINGS:

18 Q. Good morning, Ms. Murray. How are
19 you today?

20 A. Good morning.

21 Q. My name is Taleah Jennings. I'm
22 with the law firm of Schulte Roth & Zabel. We
23 represent Cantor-Katz Collateral Monitor, and I
24 am joined with my colleagues from Schulte, Noah
25 Gillespie and Jacqueline Maero Blaskowski. I'm

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09:32:19AM 1 also joined by co-counsel from McConnell Valdes.

2 I will be asking questions on behalf of the

3 DRA parties today, okay?

4 A. Okay.

5 Q. And someone from my team may have

6 additional questions once I'm done, but I will be

7 taking the bulk of this.

8 I just want to confirm with Ms. Dale

9 that the usual stipulations are in place. We --

10 you can object to form and to privilege, all

11 other objections are reserved.

12 MS. DALE: That's fine.

13 MS. JENNINGS: Okay. The objection

14 of one party is an objection for all.

15 MS. DALE: Agreed.

16 MS. JENNINGS: And unless anyone

17 else on the call has any objections, I will

18 assume everyone else agrees as well.

19 BY MS. JENNINGS:

20 Q. Ms. Murray, you have been deposed

21 before, correct?

22 A. Yes.

23 Q. And so you know how this -- how this

24 goes. I'll ask you questions, you provide

25 answers. You need to try to give me a chance to

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09:33:19AM 1 complete my question. I will obviously try to
2 make sure I give you the chance to complete your
3 answer, okay?

4 A. Yes.

5 Q. If there's any question I ask of you
6 that is confusing or that you don't understand,
7 just tell me, and I will try to rephrase it for
8 you, okay?

9 A. Yes.

10 Q. Okay. And although this is a remote
11 deposition with video, we have a court reporter.
12 So we need to hear all of your responses
13 verbally, okay?

14 A. Yes.

15 Q. And if you have any technical
16 issues, if you can't hear me or you can't see
17 something on the screen, just let us know, and we
18 will hold the deposition and get that fixed,
19 okay?

20 A. Yes.

21 Q. And you, I assume, are aware that
22 someone may object -- your counsel may object to
23 some of my questions, unless there's a direction
24 not to answer, the objection does not mean that
25 you do not answer the question; you should still

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09:34:19AM 1 answer my question. Okay?

2 A. Yes.

3 Q. Okay. And if you need a break at
4 any time, just ask for one, and as long as
5 there's no question pending, we should be able to
6 accommodate that. Okay?

7 A. Yes.

8 Q. Okay. Is there any reason you
9 cannot testify truthfully today?

10 A. No.

11 Q. Okay. And are you on any medication
12 that impairs your memory or any sort of
13 functioning cognitively?

14 A. No.

15 Q. And you understand that you're under
16 oath today.

17 A. Yes.

18 Q. Okay. Are you represented today by
19 counsel?

20 A. I believe so, yes.

21 Q. Okay. Who are you represented by?

22 A. Proskauer.

23 Q. And did you meet with Proskauer to
24 prepare for today's deposition?

25 A. Me?

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09:35:20AM 1 Q. Meet.

2 A. Not in person, no.

3 Q. Okay. On the phone or by video?

4 A. Yes.

5 Q. Okay. Who did you meet with at

6 Proskauer to prepare for your deposition today?

7 A. I met with Margaret Dale and Chantel

8 Febus, among others.

9 Q. Others from Proskauer?

10 A. Yes.

11 Q. Anyone from outside of Proskauer?

12 A. Yes.

13 Q. Who -- who were those?

14 A. My team at Brattle.

15 Q. And who are members of your team at

16 Brattle?

17 A. Julia Zhu, Nitin barrage, Paulson,

18 among others.

19 Q. And are those three individuals the

20 three individuals that attended your deposition

21 preparation meetings, or did additional

22 individuals attend?

23 A. Additional individuals attended.

24 Q. Can you name all of the individuals

25 who attended your deposition-preparation

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09:36:33AM 1 meetings, to the extent you have not already
2 identified them?

3 A. From Brattle?

4 Q. From Brattle, yes, and then if
5 there's others, I'll ask for those names as well.

6 A. I recall from Brattle, Rohit Nair.
7 I can't recall any others sitting here today.

8 Q. Okay. And was there anyone who
9 attended the sessions who did not attend from
10 Brattle or from Proskauer, who are affiliated
11 with other entities?

12 A. Yes.

13 Q. Who?

14 A. We had a Veritext training as part
15 of the deposition preparation.

16 Q. Anyone else outside of individuals
17 from Veritext?

18 A. Not that I can recall.

19 Q. Okay. And how many calls or
20 videoconferences did you have in preparation for
21 your deposition today?

22 A. With who?

23 Q. With anybody.

24 A. That's hard to say.

25 Q. What's hard about it?

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09:38:06AM 1 A. Well, I talked to people on my team
2 at Brattle frequently, so it's hard for me to
3 count how many calls I had with my team.

4 Q. In connection with preparing for
5 this particular deposition?

6 A. Yes.

7 Q. Okay. When did you start preparing
8 for this deposition?

9 A. Focusing on this deposition, I would
10 say about a week ago. Maybe a little longer.

11 Q. Okay. And since then, how many
12 meetings have you had where Proskauer was in
13 attendance to prepare for your deposition?

14 A. Probably somewhere between three and
15 five.

16 Q. And how long did those meetings
17 last, approximately?

18 A. It varied.

19 Q. It varied from what to what?

20 A. As I recall, it varied from maybe a
21 half an hour to a few hours.

22 Q. And when you say a few hours, what
23 does that mean?

24 A. More than two, less than four.

25 Q. And did you review documents during

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09:40:01AM 1 those meetings that you had with Proskauer?

2 A. Yes.

3 Q. Do you know approximately how many
4 documents you reviewed?

5 A. I would say a few.

6 Q. What's a few? Between two and four?

7 A. As I recall, less than five.

8 Q. And do you recall which documents
9 those were?

10 MS. DALE: Answer that yes or no.

11 THE WITNESS: Yes.

12 BY MS. JENNINGS:

13 Q. Okay. Which documents?

14 MS. DALE: I'm going to direct you
15 not to answer that question. I think that's part
16 of our privileged communications concerning
17 preparation.

18 MS. JENNINGS: The documents that
19 she reviewed in connection with preparing to
20 testify?

21 MS. DALE: Yes.

22 MS. JENNINGS: And --

23 MS. DALE: They're all -- all
24 publicly -- they're all produced. There's
25 nothing not produced.

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09:41:24AM 1 BY MS. JENNINGS:

2 Q. Ms. Murray, are you going to abide
3 by that directive?

4 A. I'm sorry, am I going to abide by --

5 Q. Ms. Dale's directive not to identify
6 the documents you reviewed in connection with the
7 testimony that you're giving today?

8 A. Yes, I am.

9 Q. Okay. And did you determine which
10 documents to review, or did counsel provide you
11 with the documents to review during your prep
12 sessions?

13 A. Can you repeat that?

14 MS. JENNINGS: Ms. Court Reporter,
15 could you repeat the question?

16 (Thereupon, the record was read.)

17 THE WITNESS: I would say both.

18 BY MS. JENNINGS:

19 Q. What document with respect to the
20 first category that you selected to review, which
21 documents are those?

22 MS. DALE: Objection, and I'm going
23 to direct the witness not to answer the question.

24 MS. JENNINGS: I'm not asking about
25 documents that you provided her or that your firm

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09:42:44AM 1 provided her to review, or identify. She just
2 testified that she identified certain documents
3 to review.

4 MS. DALE: Marti, you can answer the
5 question.

6 I'll withdraw my objection to that
7 question.

8 MS. JENNINGS: Thank you.

9 MS. DALE: You can answer that
10 question.

11 THE WITNESS: I'm sorry. Could you
12 repeat the question, please?

13 MS. JENNINGS: Ms. Court Reporter,
14 can you read the question?

15 (Thereupon, the record was read.)

16 THE WITNESS: The one I recall was
17 an FOMB presentation.

18 BY MS. JENNINGS:

19 Q. What presentation?

20 A. It was a presentation on the effects
21 of the plan of adjustment.

22 Q. And is this a document that is
23 listed in the documents considered appendix to
24 your report?

25 A. I believe so, yes.

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09:43:52AM 1 Q. Okay. We'll take a look, because
2 I'm going to ask you to identify it shortly.

3 As I -- you can suspect I have some
4 questions about your actual report, so if we
5 can --

6 MS. JENNINGS: Jacq, can you publish
7 Tab 1? And we're going to mark this as Exhibit
8 Number 1.

9 (Exhibit 1, Expert Report of
10 Marti P. Murray, September 13, 2021, was marked
11 for purposes of identification.)

12 MS. JENNINGS: Can we put it up on
13 the screen for a second? I want to make sure
14 we're looking at the same document.

15 BY MS. JENNINGS:

16 Q. Who would be able to put that up on
17 the screen for us? Okay. Thank you.

18 All right. Let's scroll to the next
19 page. Ms. Murray, is this an expert report that
20 you have prepared in connection with this
21 proceeding?

22 A. Yes.

23 Q. Okay. And have you amended or
24 supplemented this report since the date of the
25 report, September 13th?

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09:45:41AM 1 A. No.

2 Q. Okay.

3 MS. JENNINGS: You can take that

4 down for now.

5 BY MS. JENNINGS:

6 Q. I'm assuming there was an initial

7 draft of the report created before September 13;

8 is that right?

9 A. What do you mean an initial draft?

10 Q. So were there drafts of this report?

11 A. There's only one draft of the

12 report.

13 Q. Okay. So this -- the final report

14 is what we looked at. There are no prior drafts

15 of this report?

16 A. No.

17 Q. Okay. And who wrote this report?

18 A. I did.

19 Q. Did you write the entirety of the

20 report?

21 A. Yes.

22 Q. Okay. And when did you start

23 writing the report?

24 A. Shortly after I was engaged.

25 Q. When was that?

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09:46:46AM 1 A. In early August 2021.

2 Q. And so between August 2021 and
3 September 13, 2021, there was only one version of
4 this report ever created; there was never any
5 iterations made or changes made?

6 A. There was a draft, and the draft
7 became the final report.

8 Q. So there was -- I'm -- I'm not
9 following, then, your prior testimony. You said
10 there were no drafts, this is the only draft.

11 A. The draft evolved into the final
12 report.

13 Q. Okay. So were there -- was there a
14 version one of the draft, version two of the
15 draft, and so forth?

16 A. No.

17 Q. Okay. And so did you work with
18 counsel on preparing the report, or you just
19 drafted it on your own? It's a yes-or-no
20 question.

21 A. It -- it's not really a yes-or-no
22 question, the way you asked it.

23 Q. Okay. Let me rephrase it.

24 Did you work with counsel in
25 connection with drafting the report?

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09:48:09AM 1 A. Yes.

2 Q. Okay. Did you -- and that's counsel
3 from Proskauer?

4 A. Yes.

5 Q. Did you work with anyone else, other
6 than members of your team at Brattle in
7 connection with drafting this report?

8 A. How do you mean, work with anyone
9 else?

10 Q. Well, what are you -- do you
11 understand what work with people means?

12 A. I am trying to understand the
13 context in -- in which you mean it.

14 Q. Well, I -- why don't I start with,
15 do you understand what it means when I ask you,
16 did you work with anyone from Proskauer? What
17 did you understand that question to mean?

18 A. Did I work with Proskauer on the
19 report.

20 Q. Okay. And so when I say, Did you
21 work with anyone else, I mean it the same way,
22 but just people who are not associated with
23 Proskauer.

24 A. No.

25 Q. Okay. When is the last time you

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09:49:30AM 1 reviewed this report?

2 A. I've looked at some elements of it
3 this morning.

4 Q. And to your knowledge, is
5 everything -- to your knowledge today, is
6 everything in this report accurate?

7 A. To my knowledge, there is -- there
8 are -- there is a footnote that I think should be
9 modified.

10 Q. Which footnote is that?

11 A. Bear with me a moment. I have to
12 find it.

13 Q. Sure.

14 BY MS. JENNINGS:

15 Q. If you can tell me the substance of
16 it, I may be able to help you find it.

17 A. It has to do with a cash balance and
18 what entities it includes. I believe it's
19 footnote 105.

20 Q. Okay. So footnote 105, can you tell
21 me how you think it needs to be modified?

22 A. I -- I think that -- as I recall,
23 it does not include the cash from the CRIM,
24 PREPA, PRASA, PRIDCO, GDB, UPR, COSSEC, and
25 CONFINA.

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09:52:50AM 1 Q. So it would -- if you were to modify
2 it, you would think where it's "and cash" from
3 those entities should be crossed out? Is that --
4 am I understanding you correctly?

5 A. I'd want to go back and confirm that
6 with the team, but that's how I recall it.

7 Q. Okay. Other than that footnote, to
8 your knowledge, is everything in your report
9 accurate?

10 A. Yes.

11 Q. And is there anything else in your
12 report that you feel you would need or want to
13 change?

14 A. I'm not recalling anything as I sit
15 here today.

16 Q. Okay. You say you were engaged in
17 early August 2021; is that right?

18 A. Yes.

19 Q. Okay. Were you engaged pursuant to
20 a contract between the FOMB and Brattle?

21 A. Yes, that's my understanding.

22 Q. Are you aware -- or to your
23 knowledge, has Brattle been engaged by the FOMB
24 in any other capacity?

25 A. Yes, to my knowledge, Prattle has

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09:54:21AM 1 been engaged in another capacity.

2 Q. What other capacity?

3 A. I believe Brattle has been doing
4 consulting work for the FOMB.

5 Q. What kind of consulting work?

6 A. I'm not familiar with the details.

7 Q. Do you know generally what kind of
8 consulting work?

9 A. I'm not familiar with the details.

10 Q. No, I'm not asking for the details.
11 I'm just asking you, if you have a general
12 understanding of what type of consulting work?

13 A. Not enough to testify to.

14 Q. So, no, you have no understanding?

15 A. Not enough to testify to.

16 Q. Well, I'm not -- I'm not -- I don't
17 understand your response.

18 Do you have -- do you have an
19 understanding, or you have no understanding?

20 MS. DALE: Asked and answered. She
21 already gave you the understanding that she has,
22 which is that there is -- they have other
23 capacities including a consulting role.

24 BY MS. JENNINGS:

25 Q. Yeah, I'm asking a different

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09:55:37AM 1 question.

2 Do you have any understanding of the
3 type of consulting work that Brattle has been
4 engaged to do for the FOMB?

5 A. No.

6 Q. Okay. Are you aware of any other --
7 other than the consulting work and the work you
8 have been engaged to do, are you aware of any
9 other work that the Brattle company has been
10 engaged to do for the FOMB?

11 A. No.

12 MS. JENNINGS: Jacq, could you
13 publish tab 4, please? And let's get that up on
14 the screen.

15 (Exhibit 2, Independent Contractor
16 Services Agreement The Brattle Group, Inc.
17 Effective date: March 25, 2019, was marked for
18 purposes of identification.)

19 BY MS. JENNINGS:

20 Q. This is marked as Exhibit 2.

21 Ms. Murray, are you familiar with
22 this document in.

23 A. No.

24 Q. Have you ever seen it before?

25 A. No.

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09:57:27AM 1 MS. JENNINGS: Can you scroll down

2 to page 9 of this document?

3 BY MS. JENNINGS:

4 Q. And, Ms. Murray, do you see that

5 this -- you can look at the whole document, but I

6 just want to focus on this page that's titled

7 Project Assignment Number 1, with The Brattle

8 Group, dated March 25, 2019. Do you see that?

9 A. Yes.

10 Q. Do you know what project assignment

11 number one is in this context?

12 A. No, I -- I've never seen this

13 document before.

14 Q. Okay. Have you ever heard of

15 project assignment number one with respect to the

16 work that The Brattle Group has done for the

17 FOMB?

18 A. No.

19 Q. Okay. And do you know what work The

20 Brattle Group is doing for the FOMB as of

21 March 25, 2019? Is that the consulting work you

22 were talking about?

23 MS. DALE: Objection to the form of

24 the question.

25 THE WITNESS: Can you repeat the

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09:58:42AM 1 question, please?

2 MS. JENNINGS: Sure. Ms. Court
3 Reporter, can you please repeat the question?

4 (Thereupon, the record was read.)

5 MS. DALE: Objection.

6 THE WITNESS: There's two questions
7 there. Can you please separate the questions?

8 BY MS. JENNINGS:

9 Q. Sure. Court reporter, can you
10 please read the question back? I don't have a
11 realtime in front of me, and I'll tell you when
12 to stop.

13 (Thereupon, the record was read.)

14 A. No.

15 MS. DALE: Objection to the form.

16 MS. JENNINGS: And can you scroll
17 down to page 12, please?

18 This says project assignment
19 number 2 with The Brattle Group, dated
20 January 29, 2020, and in the description here --
21 do you see this page, Ms. Murray?

22 MS. DALE: I'm sorry. I'm not
23 seeing it, Taleah.

24 MS. JENNINGS: It's on the screen.

25 MS. DALE: It says page 1 on the

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10:00:24AM 1 screen. Oh, it's page 12 of the pdf? Sorry.

2 MS. JENNINGS: Yeah. At the top it
3 says project assignment number 2. Do you see
4 that?

5 THE WITNESS: Yes.

6 BY MS. JENNINGS:

7 Q. And this is dated January 29, 2020?

8 A. Yes.

9 Q. Do you see that?

10 Do you know what work The Brattle
11 Group was engaged to do for the FOMB on or around
12 January 29, 2020?

13 A. No.

14 Q. And when you were engaged in August
15 of -- you said 2021; is that right?

16 A. Yes.

17 Q. How did that come about? Did
18 someone from The Brattle Group ask you to work on
19 this matter, or were you contacted by Proskauer?

20 A. I was contacted by Proskauer.

21 Q. Okay. And did you know at the time
22 that The Brattle Group was performing services
23 for Proskauer and the FOMB?

24 A. I was generally aware that The
25 Brattle Group was performing services. I can't

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10:01:48AM 1 say I was aware as of the time. I -- I can't say
2 I was aware as of August 2021 what Brattle was
3 doing.

4 Q. Have you ever been engaged by the
5 FOMB, other than in connection with this
6 proceeding, for anything --

7 A. No.

8 Q. And have you ever been engaged by
9 Proskauer, other than in connection with this
10 proceeding?

11 A. Yes.

12 Q. How many times?

13 A. As I recall, one time.

14 Q. Okay. You can take this down --
15 document down.

16 And when was that?

17 A. I can't recall the exact year.

18 Q. Was it before the pandemic?

19 A. Yes.

20 Q. Okay. Was it in the past five
21 years?

22 A. Possibly.

23 Q. And was it in connection with the
24 litigation?

25 A. Yes.

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10:03:05AM 1 Q. Did you provide testimony in
2 connection with that engagement?

3 A. Yes.

4 Q. What did the testimony concern,
5 subject matter?

6 A. It related to an M&A sale process.

7 Q. And was it a case that was pending
8 in court?

9 A. That's my understanding.

10 Q. What case was it?

11 A. Brown Jordan International, et al.,
12 v Christopher Carmichael.

13 Q. And other than in connection with
14 that case, have you ever worked with Proskauer
15 on -- in connection with any other proceeding,
16 other than the instant proceeding?

17 A. As an expert?

18 Q. In any capacity.

19 A. I was a distressed debt investor for
20 a very long time. I may have worked with
21 Proskauer in that capacity. I don't recall one
22 way or the other.

23 Q. So other than this matter and the
24 matter -- the litigation you just described, you
25 don't recall working with Proskauer in

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10:05:05AM 1 connection -- in any other capacity; is that
2 correct?

3 A. That's right.

4 Q. Is it your understanding that you
5 will be providing testimony at the confirmation
6 hearing on behalf of the FOMB?

7 A. If I am asked to?

8 Q. Have you been asked to yet?

9 A. No.

10 Q. Have you discussed the possibility
11 of providing testimony at the confirmation
12 hearing on behalf of the FOMB with anyone?

13 A. I don't recall it.

14 Q. With regard to the expert report
15 that we just looked at, have you communicated
16 with anyone outside of Proskauer or The Brattle
17 Group regarding the contents of your expert
18 report?

19 A. Yes.

20 Q. Who?

21 A. I communicated with certain of the
22 financial advisors/consultants retained on behalf
23 of the FOMB.

24 Q. Can you identify who you spoke to,
25 please?

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10:07:09AM 1 A. As I recall, I spoke with

2 individuals at Citibank, EY, McKinsey, and PJT.

3 Q. Okay. With regard to Citibank, who
4 did you speak to?

5 A. As I recall, the gentleman's name is
6 David Brownstein.

7 Q. And when you spoke to him, was it
8 just you and him, or was counsel involved in that
9 conversation?

10 A. Counsel was involved.

11 Q. Which counsel?

12 A. Proskauer.

13 Q. When did you have that conversation?

14 A. I can't recall with specificity.

15 Q. Generally?

16 A. Sometime between my retention and
17 when I filed the report.

18 Q. So sometime in August or September?

19 A. Correct.

20 Q. And do you know whether it was
21 before Labor Day or after Labor Day?

22 A. I -- I can't recall with
23 specificity.

24 Q. I'm just asking if you know whether
25 it was before Labor Day or after Labor Day?

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10:08:40AM 1 A. I can't recall.
2 Q. Okay. And who did you speak with at
3 EY?
4 A. I spoke with -- I believe her name
5 Sheva Levy. Among others.
6 Q. How many others?
7 A. A few. I can't recall specifically.
8 Q. Do you know their names?
9 A. I can't recall.
10 Q. You don't recall their names?
11 A. No, I'd have to go back and check my
12 records.
13 Q. And how many conversations did you
14 have with Ms. Levy at EY?
15 A. I recall one.
16 Q. Do you recall when that occurred?
17 A. So same date range: Between when I
18 was retained from August and when the report was
19 filed.
20 Q. And you don't know if it was in
21 August or September?
22 A. I don't.
23 Q. Okay. And was counsel present for
24 that meeting as well?
25 A. Yes.

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10:10:03AM 1 Q. And the conversation you had with
2 the gentleman from Citibank, was that one
3 conversation or more than one?

4 A. I'm only recalling one.

5 Q. And --

6 A. There may be others. I just can't
7 recall.

8 Q. And the same question regarding
9 McKinsey. Who did you speak to? How many times?
10 And who was present?

11 MS. DALE: Objection to the form,
12 but I think we got this. Marti, you can answer.

13 THE WITNESS: I would -- I believe
14 the individual's name from McKinsey was Otis
15 Shaw, and, I'm sorry, I think there was another
16 part of the question.

17 BY MS. JENNINGS:

18 Q. Yes. How many times did you speak
19 with Mr. Shaw?

20 A. I'm recalling once.

21 Q. And counsel was present for that
22 conversation?

23 A. Yes.

24 Q. Do you recall when that conversation
25 occurred?

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10:11:12AM 1 A. The same date range I gave you
2 previously: Sometime between when I was retained
3 and when I filed my report.

4 Q. And you don't know whether it was
5 August or September?

6 A. I don't.

7 Q. Okay. And PJT. Same question. Who
8 did you speak to from PJT?

9 A. I spoke with Steve Zelin.

10 Q. Mm-hmm. When did you -- how many
11 times did you speak with him?

12 A. I'm recalling once.

13 Q. Was counsel present?

14 A. Yes.

15 Q. And do you know whether that meeting
16 happened in August or September?

17 A. I do not.

18 Q. Do you know who Dr. Andrew Wolfe is?

19 A. No.

20 Q. You reference a best-interest test
21 report in your expert report. Correct?

22 A. Yes.

23 Q. And is that best interest test
24 report a document that you discussed with
25 Mr. Shaw?

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10:12:51AM 1 A. Yes.

2 Q. I just want to show you one other
3 document before I move on.

4 MS. JENNINGS: Let's put up Tab3 for
5 a minute. Mark it as Exhibit 3.

6 (Exhibit 3, Disclosure Statement For
7 the Seventh Amended Title III Joint Plan of
8 Adjustment of the Commonwealth of Puerto Rico,
9 et al., was marked for purposes of
10 identification.)

11 MS. JENNINGS: Can we put it on the
12 screen? That's not tab 3, Jacq. You know what?
13 We don't actually need to put it up. Let me just
14 ask you a question.

15 BY MS. JENNINGS:

16 Q. Have you ever seen the notice that
17 the DRA parties submitted for your deposition --
18 seeking your deposition testimony?

19 A. Yes.

20 Q. Okay. And it's -- it asked for you
21 to sit for a deposition on September 27th. Do
22 you recall that?

23 A. I think that's right.

24 Q. Okay. And are you familiar with the
25 discovery schedule that the court has entered in

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10:15:14AM 1 this case?

2 A. Not in detail.

3 Q. Generally?

4 A. Not really.

5 Q. Were their dates between

6 September 27th and today, during which you were

7 unavailable to sit for the deposition in this

8 case?

9 A. Yes.

10 Q. Which dates were those?

11 A. As of what date in.

12 Q. September 27th through today.

13 MS. DALE: Objection to the form.

14 THE WITNESS: Yes. I'm asking you,

15 as of what date was I unavailable?

16 BY MS. JENNINGS:

17 Q. And my question to you is, are there

18 any dates from September 27 through today that

19 you were unavailable to testify for a deposition

20 in this case?

21 A. The answer to that is, Yes.

22 Q. Okay. Which dates?

23 A. And the answer to that is, It

24 depends as of what date you're asking me that

25 question.

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10:16:30AM 1 Q. I'm asking you today.

2 A. I --

3 MS. DALE: Objection.

4 BY MS. JENNINGS:

5 Q. -- to identify which dates you were
6 unavailable.

7 A. Well, I was unavailable for the week
8 starting the 27th and the following week.

9 Q. All right. I'm just looking at my
10 calendar.

11 So you were unavailable from --
12 during the week of September 27 through
13 October 1? That's the week of the 27th, right?

14 A. If the 27th is a Monday, I --

15 Q. Yeah.

16 A. -- was unavailable for the week of
17 the 27th and the following week.

18 Q. And that's the week of October 4?

19 A. If that's the Monday -- if that's
20 the next Monday, yes.

21 Q. And you were unavailable for Monday
22 through Friday of both of those weeks?

23 A. As of the date I received my
24 deposition notice, yes, I was unavailable for
25 those two weeks.

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10:17:41AM 1 Q. And at some -- at some point in
2 time, did that change?

3 A. I don't -- I don't believe it
4 changed from my perspective, no.

5 Q. Okay. And why were you unavailable
6 on those ten days?

7 A. It was two weeks.

8 Q. Yes. And there's five business days
9 in each week.

10 A. Oh, okay.

11 I was involved with an arbitration
12 that started on that Monday, and I was instructed
13 to reserve those two weeks for that arbitration.

14 Q. Instructed by whom?

15 A. Counsel in that arbitration.

16 Q. Okay. And how long did that
17 arbitration -- when did that arbitration start
18 and when did that arbitration end?

19 A. It started on that Monday, I believe
20 it was the 27th.

21 Q. And when did it end?

22 A. The following Friday.

23 Q. So it ended on October 8?

24 A. Yes.

25 Q. And did you attend each day of that

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10:18:54AM 1 deposition -- of that arbitration?

2 A. No.

3 Q. Which days did you attend the
4 arbitration proceedings?

5 A. I attended the 27th.

6 Q. And you didn't attend any other day
7 after the 27th?

8 A. I did not attend. I was on call.

9 Q. Were you participating on a call, or
10 you were just available for a call?

11 A. I was available to counsel.

12 Q. Okay.

13 A. Is this a good time for a break?

14 Q. Sure.

15 THE VIDEOGRAPHER: Okay. Going off
16 the record at 10:19. Please stand by.

17 (A brief recess was taken.)

18 THE VIDEOGRAPHER: We are back on
19 the video record at 10:30.

20 BY MS. JENNINGS:

21 Q. Ms. Murray, by the way, where are
22 you located right now?

23 A. Long Island.

24 Q. Okay. You're at home?

25 A. Yes.

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10:30:48AM 1 Q. Okay. And do you have any documents
2 with you in the room where you are?

3 A. I have a copy of my report.

4 Q. Any other documents?

5 A. Not related to this matter.

6 Q. Okay. And do you have any documents
7 on an electronic screen in front of you?

8 A. I have the Egnyte on another screen.

9 Q. You have the what?

10 A. Egnyte. The documents that are
11 exhibits in this matter.

12 Q. Okay. No other documents?

13 A. No.

14 Q. Okay. And you don't have a line of
15 communication open with anybody on any
16 electronic -- through any electronic means, like
17 with counsel or anyone else, other than this
18 virtual deposition; is that right?

19 A. While I'm testifying?

20 Q. Yeah.

21 A. No.

22 Q. Okay. Ms. Murray, you are aware,
23 are you not, that as part of the Title III
24 process, in connection with this proceeding, the
25 FOMB was required to certify a plan of

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10:32:15AM 1 adjustment?

2 A. Certify a plan of adjustment?

3 Q. Yes.

4 A. I'm not familiar with that term,
5 certify a plan of adjustment.

6 Q. Okay. Why don't we take a look at
7 your report?

8 MS. JENNINGS: Can we put that up?
9 It's Exhibit 1. Paragraph 32, which is on
10 page 11 of the report.

11 BY MS. JENNINGS:

12 Q. Let me know when you're at
13 paragraph 32, Ms. Murray.

14 A. I'm there.

15 Q. Do you see the first sentence? You
16 write, As part of the Title III process, the FOMB
17 must certify the plan.

18 A. Yes.

19 Q. Is it your understanding that the
20 certified plan refers to the plan of adjustment?

21 A. Yes.

22 Q. Okay. Does that clarify what I
23 was -- my prior question for you?

24 A. Yes. I thought of it more in terms
25 of the FOMB has to determine that the plan is

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10:33:42AM 1 consistent with the 2021 certified fiscal plan.

2 Q. Well, that would be my next
3 question.

4 So it's your understanding that to
5 certify the plan of adjustment, the FOMB must
6 determine that the plan is consistent with the
7 2021 certified fiscal plan, correct?

8 A. Correct.

9 Q. And you provided an opinion with
10 regard to certain elements of -- well, let's just
11 go to your opinion. Your opinion number 1.

12 In your first opinion --

13 MS. JENNINGS: You can -- you can
14 keep it up, since we'll be referencing it.

15 BY MS. JENNINGS:

16 Q. But in your first opinion, am I
17 correct that you take the opinion the plan and
18 the fiscal plan are consistent with respect to
19 two aspects? Do I have that right so far?

20 I'm just asking the question without
21 reference to --

22 A. I am -- yes.

23 Q. I can't -- can you just face the
24 camera while we're talking?

25 A. I'm sorry. I'm sorry. I'm looking

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10:35:00AM 1 at the report.

2 Q. Okay. But before we take a look at
3 the report, I just have a question for you.

4 MS. DALE: Well, the witness can be
5 looking at the report while you have a question
6 for her, so that's fine.

7 BY MS. JENNINGS:

8 Q. So, Ms. Murray, before we take a
9 look at the exhibit, just let me ask my question.

10 Is it your opinion that the plan and
11 the fiscal plan are consistent in connection with
12 two -- in two respects?

13 A. It's they're consistent with key
14 financial elements that I evaluated.

15 Q. And in --

16 A. The cash -- which includes the --
17 the up-front cash requirements of the plan and
18 debt sustainability. And then within those
19 categories, there are multiple categories.

20 Q. Okay. So let's start with the
21 broader two categories.

22 By the way, did you identify any
23 subcategories anywhere in your report?

24 A. Yes, they're discussed in the
25 report.

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10:36:15AM 1 Q. Can you -- can you let me know what
2 categories you're referring to, what
3 subcategories?

4 A. Sure. Consistent with respect to
5 System 2000 and how that is to be treated,
6 consistent with respect to the emergency reserve
7 to be established. Then I discussed the pension
8 reserve trust. I discuss the level of cash
9 balances.

10 Q. Yeah, I'm sorry. Before you go on.
11 I know that there's a lot of discussions, but I'm
12 asking with regard to the subcategories that you
13 say are consistent when you look at the plan and
14 the fiscal plan are consistent in connection
15 with, that's my specific question.

16 MS. DALE: Objection to the form.

17 BY MS. JENNINGS:

18 Q. So as long as your answer is
19 responsive to that, that's fine. You can keep
20 going.

21 A. Can you repeat the question, please?
22 I want to make sure I understand it.

23 Q. Yes.

24 So the way I read your opinion, you
25 say, The plan of adjustment and the certified

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10:37:54AM 1 fiscal plan are consistent as it relates to the
2 debtors' up-front cash needs -- that's number
3 one -- and, number two, sustainable debt service
4 levels. Correct?

5 A. Yes.

6 Q. And when I asked you that before,
7 you said, and you also determined that the plan
8 and the fiscal plan were consistent with regard
9 to other categories that fall underneath those
10 umbrellas. Correct?

11 A. Yes.

12 Q. And so I'm asking you to identify
13 those other categories.

14 A. Yes. That's what I was doing.

15 Q. Okay. The I wanted to confirm,
16 because you said you discuss things, and I want
17 to confirm that we're not talking about things
18 you discuss, but things in your opinion that are
19 consistent when you look at the fiscal plan and
20 certified -- and the plan of adjustment.

21 A. Yes, and I --

22 Q. Okay.

23 A. -- I address those issues in those
24 opinions, which I was going through before.

25 Q. Perfect. And if you're looking at

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10:38:53AM 1 particular paragraphs, can you identify those for
2 me?

3 A. Yes. The System 2000 is discussed
4 in paragraphs 65 and 66. The emergency reserve
5 is discussed in paragraphs 67 and 68. The
6 pension reserve trust is referred to in
7 paragraph 69. And then the cash available on
8 emergence is discussed in paragraph 70.

9 Q. Okay. And are there any other
10 subcategories that fall within the umbrella of
11 your opinion relating to the debtors' up-front
12 cash needs and sustainable debt service levels?

13 MS. DALE: Objection to the form.

14 THE WITNESS: Can you repeat the
15 question?

16 MS. JENNINGS: Ms. Court Reporter,
17 can you repeat the question?

18 (Thereupon, the record was read.)

19 THE WITNESS: Well, the categories I
20 was referring to earlier only related to up-front
21 cash needs and did not relate to the sustainable
22 debt levels.

23 BY MS. JENNINGS:

24 Q. All right. So then let's start with
25 the first part.

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10:40:53AM 1 Are there any other subcategories to
2 which your opinion relates under the up-front
3 cash needs umbrella?

4 A. Whatever is in the report is in the
5 report. The paragraphs I directed you to relate
6 to the up-front cash needs.

7 Q. Okay. And other than what you have
8 identified, is your opinion with regard to the
9 up-front cash needs, does it cover any other
10 subcategories?

11 A. Sorry. I lost my headphone. Can
12 you repeat that?

13 Q. Yes.

14 With regard to your opinion that the
15 plan of adjustment and the certified fiscal plan
16 are consistent as it relates to the debtors'
17 up-front cash needs, are there any other
18 subcategories other than the four you identified
19 that fall within that umbrella?

20 A. I mean, the report spikes for
21 itself; whatever's in the report is in the
22 report.

23 Q. And you wrote the report, right?

24 A. Yes.

25 Q. Okay. And so is there anything else

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10:42:13AM 1 in -- I'm just asking for your opinion. I assume
2 you know it better than I do.

3 Are there any other categories?

4 A. Are there any other categories --
5 can you -- can you state the question again?

6 Q. No, I think I got what I need there.

7 Then you said with regard to the
8 second part of your opinion number 1, the plan of
9 adjustment and the certified fiscal plan are
10 consistent as it relates to sustainable debt
11 service levels. Do I have that right?

12 A. Implementation of the plan will
13 result in a level of future debt service that is
14 consistent with sustainable debt levels as set
15 forth in the 2021 certified fiscal plan.

16 MS. JENNINGS: Ms. Court Reporter,
17 could you please repeat my question?

18 (Thereupon, the record was read.)

19 BY MS. JENNINGS:

20 Q. Do I have that right?

21 A. I was only restating -- I was giving
22 you the answer to state it properly, the way I
23 understand it.

24 Q. So I'm reading -- why don't I read,
25 then, from -- if you go to page 25, because I

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10:44:00AM 1 think I read it from your own words, so I'm not

2 sure if you're saying that it's improper.

3 But on page 25, in opinion -- do you

4 see where it says opinion number 1?

5 A. Yes.

6 Q. Okay. And under opinion number 1,

7 it says, The plan of adjustment and the 2021 CFP,

8 that's certified fiscal plan, correct?

9 A. Yes.

10 Q. -- are consistent as it relates

11 to -- we already talked about the debtors'

12 up-front cash needs and the second portion is and

13 sustainable debt service levels. Do you see

14 that?

15 A. Yes.

16 Q. Is that your opinion?

17 A. Yes.

18 Q. Okay. And before, when we started

19 this discussion, you said in addition to these

20 two categories, there are subcategories that fall

21 within them.

22 So my question is: Are there any

23 subcategories with regard to the sustainable debt

24 service levels element?

25 A. Yes.

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10:45:48AM 1 Q. Okay. What are they? And if you're
2 looking at a particular paragraph, just let me
3 know which paragraph.

4 A. I would say it's paragraph 73
5 through 89.

6 Q. And what are the subcategories that,
7 in your opinion, the plan of adjustment and the
8 certified fiscal plan are consistent?

9 MS. DALE: Objection to the form.

10 THE WITNESS: That the debt burden
11 after the plan is implemented will be
12 significantly lower and that there will be a
13 projected surplus after debt service through --
14 there won't be a deficit after debt service of --
15 until 2035-2036 time frame. So that's consistent
16 with the certified fiscal plan. There is a debt
17 sustainability analysis in the certified fiscal
18 plan that contains various metrics that are
19 applied to look at the creditworthiness, or
20 sustainable debt levels, of a municipality, and
21 as applied to the Commonwealth. The
22 Commonwealth's metrics fall within a range of
23 where other investment grade states are. And I
24 go through an analysis of that.

25 BY MS. JENNINGS:

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10:48:35AM 1 Q. Any other categories that are the
2 subject of your opinion, or subcategories, I
3 should say?

4 A. One moment, please.

5 Q. Ms. Murray, are you taking a break,
6 or are you reading your report?

7 A. No, I'm looking for something in the
8 report.

9 MS. JENNINGS: Ms. Court Reporter,
10 can you just note the time?

11 MS. DALE: Taleah, really?
12 Seriously?

13 Okay, note the one minute.

14 THE WITNESS: No, there is another
15 issue, but it's discussed in opinion 3.

16 BY MS. JENNINGS:

17 Q. Okay. What -- what is that issue
18 that's part of -- is the -- are you saying
19 there's something in opinion 3 that's relevant to
20 your opinion number 1?

21 A. Somewhat, yeah.

22 Q. Can you tell me what that is --

23 A. Yes.

24 Q. And if you are looking to a
25 particular paragraph, just direct me to that

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10:50:27AM 1 paragraph.

2 A. Yes, I'm at opinion 3, which is
3 paragraph 99 through 102.

4 Q. And --

5 A. And it relates to a cap on net tax
6 supported debt service equal to 7.94 percent of
7 debt policy revenues. And the fact that under
8 the certified fiscal plan, the Commonwealth will
9 be below that 7.94 percent cap on net tax
10 supported debt service as a percentage of the --
11 of the debt policy revenues.

12 Q. And how does that relate to your
13 opinion 1?

14 A. It relates to -- it relates to the
15 fact that the debt levels incorporated in the
16 plan are consistent with the certified fiscal
17 plan and are sustainable.

18 Q. Okay. Ms. Murray, is it your
19 opinion that the plan and the certified fiscal
20 plan are consistent with regard to ensuring the
21 funding of essential public services in the
22 Commonwealth?

23 MS. DALE: Objection to the form.

24 THE WITNESS: I think that's outside
25 the scope of my report.

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10:52:15AM 1 BY MS. JENNINGS:

2 Q. So you don't have an opinion one way
3 or another on that?

4 A. I don't.

5 Q. And is it your opinion that the plan
6 and the certified fiscal plan are consistent with
7 regard to the provision of adequate funding for
8 public pension systems?

9 MS. DALE: Again, objection to the
10 form.

11 THE WITNESS: I'm not sure I follow
12 your question.

13 MS. JENNINGS: Ms. Court Reporter,
14 can you please repeat the question and then you
15 can -- Ms. Murray, if there's something you don't
16 understand about it, I'll try to rephrase.

17 THE WITNESS: Thank you.

18 (Thereupon, the record was read.)

19 THE WITNESS: I don't know what you
20 mean by adequate funding for public pension
21 systems.

22 I've opined that the treatment --
23 the proposed treatment of the -- of the pension
24 plan is reflected in the certified fiscal plan.

25 Q. All right. You're aware that the

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10:53:28AM 1 fiscal plan -- that the Oversight Board may
2 certify the fiscal plan if it determines the
3 fiscal plan meets certain statutory requirements,
4 right?

5 A. I think that's outside the scope of
6 the work that I did.

7 Q. Are you unaware of that fact?

8 MS. DALE: Objection to the form.

9 THE WITNESS: It's outside the
10 scope -- it wasn't something I focused on.

11 BY MS. JENNINGS:

12 Q. Well, putting aside what you focused
13 on, are you aware of that fact?

14 MS. DALE: October to the form.

15 THE WITNESS: Which fact are you
16 referring to?

17 MS. JENNINGS: Ms. Court Reporter,
18 could you please read back my question?

19 (Thereupon, the record was read.)

20 THE WITNESS: I'm not familiar with
21 that.

22 BY MS. JENNINGS:

23 Q. Ms. Murray, you said you wrote your
24 report, right?

25 A. Yes.

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10:55:28AM 1 Q. You testified to that. Okay.

2 Take a look --

3 MS. JENNINGS: Can we go to page 14
4 of the report, paragraph 38?

5 BY MS. JENNINGS:

6 Q. You can read the whole paragraph,
7 but I want to focus on the last sentence in that
8 paragraph.

9 A. Yes.

10 Q. Do you see it says, and you say that
11 you wrote this, the FOMB may certify a proposed
12 fiscal plan if in the FOMB's social discretion it
13 meets 14 different statutory requirements set
14 forth in PROMESA.

15 Do you see that statement?

16 A. Yes.

17 Q. And you wrote that statement?

18 A. Yes.

19 Q. And now do you agree that that's
20 something you understand?

21 A. Yes. I stated it to the disclosure
22 statement. It's not something that I have
23 particular knowledge of. It's a -- it's relying
24 on the disclosure statement.

25 Q. But it's something you wrote in your

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10:56:34AM 1 report.

2 A. Yes.

3 Q. Do you understand that sentence to
4 be accurate?

5 A. Yes.

6 Q. Okay. And you cited to the
7 disclosure statement. Did you read the
8 disclosure statement in connection with including
9 this sentence in your report?

10 A. Yes.

11 Q. Okay. So let's go to where you
12 cite. The cite is to disclosure statement at
13 page 194.

14 MS. JENNINGS: Can we, Jacq -- I
15 think we have an excerpt prepared of the
16 disclosure statement that I want to put up and
17 mark as Exhibit 4.

18 THE WITNESS: Can we --

19 MS. JENNINGS: Exhibit 3.

20 MS. DALE: Sorry, Taleah, I wanted
21 to see -- before Exhibit 3 came up -- so we're
22 not -- we're substituting a new Exhibit 3?

23 MS. JENNINGS: Exhibit 3, yes.

24 MS. DALE: Thank you.

25 BY MS. JENNINGS:

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10:57:52AM 1 Q. Ms. Murray, is Exhibit 3 the
2 document that you cite in footnote 50 of your
3 report?

4 A. It looks to be.

5 MS. DALE: An excerpt.

6 THE WITNESS: Yes, an excerpt.

7 BY MS. JENNINGS:

8 Q. Yeah. Okay.

9 So let's look at the excerpt.

10 MS. JENNINGS: Can you scroll to the
11 next page on the screen?

12 BY MS. JENNINGS:

13 Q. And if you look at the bottom -- you
14 cite to page 194 in your report. At the bottom
15 of page 194, the last sentence -- or
16 second-to-last sentence: Following submission,
17 the Oversight Board may certify the proposed
18 fiscal plan if it determines that such fiscal
19 plan meets 14 statutory requirements, and then it
20 cites the provision. Do you see that?

21 MS. DALE: Well, it doesn't say
22 exactly that, but, yes, it goes on to -- there's
23 a quote.

24 BY MS. JENNINGS:

25 Q. Do you see that Ms. Murray?

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10:58:53AM 1 A. It says, following submission, the
2 Oversight Board may certify the proposed fiscal
3 plan if it determines that such fiscal plan meets
4 14 statutory requirements set forth in PROMESA
5 section 201.2 B which are -- (reading) -- and
6 access to the capital markets, end quote.

7 Q. Okay. You see that language, right?

8 A. Yes.

9 Q. Okay. And then it says, the fiscal
10 plan must, and then there's some bullet point --
11 there's a bullet point that starts on 194, and it
12 goes into --

13 MS. JENNINGS: If you can scroll to
14 195?

15 BY MS. JENNINGS:

16 Q. -- do you see all of those bullet
17 points?

18 A. Yes.

19 Q. Okay. So on the first bullet point
20 on this page 195, 245 was a question you
21 answered. I asked you about that. I asked if it
22 was your opinion that the plan and the certified
23 fiscal plan are consistent with regard to
24 ensuring the funding of essential public
25 services, and you testified it was outside the

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10:59:58AM 1 scope of your opinion, you are not opining on
2 that, correct?

3 A. Correct.

4 Q. And so my second question concerns
5 the second bullet point. It says, if we go back
6 to the earlier page, the fiscal plan must provide
7 adequate funding for public pension systems.

8 Do you have an understanding of what
9 that means.

10 MS. DALE: Objection to the form of
11 the question.

12 MS. JENNINGS: Can you go to 195?

13 BY MS. JENNINGS:

14 Q. Do you have an understanding of what
15 provide adequate funding for public pension
16 systems means, based on your knowledge and
17 experience?

18 A. That was not a focus of my work in
19 formulating my opinions and writing my report.

20 Q. Okay. That's -- that's not my
21 question.

22 My question is: In your -- with
23 your knowledge and your extensive experience that
24 you've outlined in your report, do you have an
25 understanding of what that bullet point means, go

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11:01:02AM 1 provide adequate funding for public pension
2 systems?

3 MS. DALE: Objection to the form of
4 the question.

5 It's completely outside the scope of
6 her opinions. You're wasting our time. I don't
7 know what you're trying to get at, Taleah. We're
8 not litigating the certified fiscal plan here,
9 which we've discussed many times.

10 So what is the question that
11 pertains to Ms. Murray's opinion?

12 MS. JENNINGS: Can you repeat the
13 question, Ms. Court Reporter? And, Ms. Murray,
14 I'll ask you to answer my question.

15 MS. DALE: She's answered your
16 question.

17 What -- what -- what does it pertain
18 to the opinions that Ms. Murray is trying to give
19 here?

20 MS. JENNINGS: Ms. Court Reporter --
21 I -- I don't need to explain my questions to you.
22 I'm not the one who's sitting for the deposition,
23 Ms. Dale. So I'm going to keep going. If you
24 want to direct the witness not to answer
25 anything, and you have the basis to do so, then

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11:02:01AM 1 that's what you'll do. But I'm not going to
2 answer the reasons for my questions and where
3 it's going. I don't have to give you my
4 strategy.

5 MS. DALE: No, you don't, but you
6 have to respect the process that we're doing
7 here. So if you want to go off -- if you want to
8 go off the record --

9 MS. JENNINGS: Process -- it's my
10 deposition.

11 MS. DALE: If you want to go off the
12 record, I'm happy to do that and we can have a
13 conversation about what you're trying to achieve.

14 MS. JENNINGS: I don't need to go
15 off the record. I actually want to stay on the
16 record.

17 And, Ms. Court Reporter, could you
18 repeat my last question?

19 (Thereupon, the record was read.)

20 MS. DALE: Objection to the form.

21 THE WITNESS: My understanding is
22 the words on the page provide adequate funding
23 for public pension systems.

24 BY MS. JENNINGS:

25 Q. Okay. And do you understand what

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11:03:24AM 1 that means?

2 A. Well, I'm reading the word on the
3 page. It means that there is some determination
4 that the funding is adequate. How that
5 determination is made is outside the scope of my
6 report.

7 Q. So you have no opinion on whether
8 the plan and the certified fiscal plan are
9 consistent with regard to the provision of
10 adequate funding for public pension systems; is
11 that right?

12 MS. DALE: Objection to the form.

13 THE WITNESS: I have an opinion that
14 they're consistent with respect to the fact that
15 the certified fiscal plan reflects the intended
16 treatment of E R S, T R S, J R S. I don't have
17 an opinion on provide adequate funding for public
18 pension systems with respect to a determination
19 being made of what might be quote/unquote
20 adequate, and what is not. That's a separate
21 issue.

22 BY MS. JENNINGS:

23 Q. And the third bullet point. Provide
24 for the elimination of structural deficits.

25 Do you understand what that means?

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11:04:36AM 1 MS. DALE: Objection to the form.
2 THE WITNESS: I can read the words
3 on the page, but it -- it -- it's outside the
4 scope of my report.
5 BY MS. JENNINGS:
6 Q. I -- I --
7 A. I have not focused ton.
8 Q. I -- I have no doubt that you can
9 read. My question is, do you understand what
10 that means, Provide for the elimination of
11 structural deficits?
12 MS. DALE: Objection to the form.
13 In the context of PROMESA section 2 -- 201-B-1,
14 is that what you're asking her, for a legal
15 opinion? Because that's objectionable. So what
16 are you asking for again?
17 MS. JENNINGS: You can object to
18 form. Speaking objections are inappropriate. I
19 am asking Ms. Murray a question, if she can
20 answer it, she can answer it. If she can't, she
21 can't. You're doing more talking than her.
22 MS. DALE: Because you're wasting
23 our time.
24 MS. JENNINGS: Okay. Let me -- let
25 me waste my own time, but I would prefer me to

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11:05:39AM 1 waste it rather than you waste it with your
2 speaking objections.

3 BY MS. JENNINGS:

4 Q. So, Ms. Murray, do you have an
5 understanding as to what that means -- provide
6 for the elimination of structural deficit?

7 MS. DALE: Objection. Calls for a
8 legal conclusion; irrelevant; unnecessary.

9 THE WITNESS: I have not spent time
10 on that. It's outside the scope of my report.
11 And to the extent that it involves a legal
12 conclusion, it's -- it's -- you're asking for a
13 legal conclusion, which I'm not --

14 BY MS. JENNINGS:

15 Q. No, I'm not asking for a legal
16 conclusion. I'm asking, within the scope of your
17 knowledge and experience, do you know what
18 Provide for the elimination of structural
19 deficits means? Do you know what structural
20 deficits are?

21 A. I will not answer that question
22 without investigating it further, and that
23 investigation is outside the scope of my report.

24 Q. So then, it is not part of your
25 opinion that the plan and the certified fiscal

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11:06:41AM 1 plan are consistent with regard to the
2 elimination of structural deficits; is that
3 right?

4 A. I don't provide an opinion on that.

5 Q. Okay. Is it your opinion that the
6 plan and the certified fiscal plan are consistent
7 with regard to improving fiscal governance,
8 accountability, and internal controls?

9 A. Outside the scope of my report.

10 Q. So that's -- you don't -- you don't
11 have an opinion on that; is that right?

12 A. That's right. It's outside the
13 scope of my report.

14 Q. And is it your opinion that the plan
15 and the certified fiscal plan are consistent with
16 regard to enabling the achievement of fiscal
17 targets?

18 A. What do you mean by fiscal targets?

19 Q. Do you have an understanding of what
20 that -- fiscal targets means?

21 A. It depends on the context.

22 Q. In the context of a certified fiscal
23 plan.

24 A. I don't know what you mean by fiscal
25 targets. You'd have to be more specific.

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11:08:05AM 1 Q. Do you have an understanding -- and
2 maybe the answer's no -- of what fiscal targets
3 mean in the context of a certified fiscal plan?

4 MS. DALE: Objection to the form.

5 BY MS. JENNINGS:

6 Q. In particular -- in particular this
7 one.

8 MS. DALE: Objection to the form.

9 Calling for a legal conclusion.

10 BY MS. JENNINGS:

11 Q. Yes or no?

12 MS. DALE: She's not here to give a
13 statutory interpretation, Taleah.

14 THE WITNESS: I'd -- I'd have to
15 refresh on what the definition of fiscal targets
16 is. I'm not familiar with that term as I sit
17 here today.

18 BY MS. JENNINGS:

19 Q. And so with regard to your opinion,
20 it does not cover whether the plan and the
21 certified fiscal plan are consistent with regard
22 to the achievement of fiscal targets, correct?

23 MS. DALE: Objection to the form.

24 THE WITNESS: I can't answer that
25 question without understanding what you mean by

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11:09:07AM 1 fiscal targets.

2 BY MS. JENNINGS:

3 Q. Well, you have -- you said you don't
4 understand what fiscal targets means, so it's
5 certainly not a part of the opinion you're
6 giving, is it?

7 A. Can you repeat your question?

8 Q. Sure.

9 Is it your opinion that the plan and
10 the certified fiscal plan are consistent with
11 regard to the achievement of fiscal targets?

12 MS. DALE: Objection to the form.

13 THE WITNESS: Without knowing what
14 you mean by fiscal targets, I'm unable to answer
15 that question.

16 BY MS. JENNINGS:

17 Q. Okay. And if you don't know what
18 fiscal targets means you certainly are not
19 including that in the context of your opinion,
20 correct?

21 MS. DALE: Objection to the form of
22 the question.

23 THE WITNESS: I'm saying that the --
24 the debt structure that is anticipated as a
25 result of the plan of adjustment is consistent

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11:10:20AM 1 with the certified fiscal plan in that the -- it
2 fits in with the debt sustainability analysis.

3 BY MS. JENNINGS:

4 Q. All right.

5 A. And I do not specifically address
6 fiscal targets, and I don't know what you mean by
7 it, so I can't answer your question.

8 Q. Okay. And is it your opinion that
9 the plan and the certified fiscal plan are
10 consistent with regard to the provision for
11 capital expenditures and investments necessary to
12 promote economic growth?

13 MS. DALE: Objection to the form.
14 Calls for a legal conclusion.

15 THE WITNESS: That's outside the
16 scope of my report.

17 BY MS. JENNINGS:

18 Q. You don't have an opinion on that?

19 A. No.

20 Q. Is there a reason that you limited
21 your opinion number 1 to the areas that you
22 identified and not other aspects of the fiscal
23 plan?

24 A. No.

25 Q. No reason?

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11:12:18AM 1 A. Other aspects of the fiscal plan?

2 Q. Yeah.

3 A. Looked at the -- the key elements
4 and looked for consistency -- or inconsistency.

5 Q. And who defined the key elements for
6 you?

7 A. I did.

8 Q. But for many -- many aspects of the
9 fiscal plan -- so, for example, the ones we went
10 through for which you have no opinion -- you
11 don't consider those key aspects of the fiscal
12 plan?

13 MS. DALE: Objection.

14 THE WITNESS: I relied on the
15 certified fiscal plan as it was -- as it -- as it
16 is. And I checked for consistency between that
17 certified fiscal plan and the plan of adjustment.

18 BY MS. JENNINGS:

19 Q. With regard to only certain
20 elements?

21 A. With regard to key financial
22 elements.

23 Q. Okay. And you determined what those
24 key elements were?

25 A. Yes.

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11:13:31AM 1 Q. And they did not include, for
2 example, some of the things that we just listed,
3 like providing adequate funding for essential
4 public services, or the elimination of structural
5 deficits.

6 MS. DALE: Objection to the form.
7 You can answer, Marti.

8 THE WITNESS: I did not evaluate
9 each line item in the certified fiscal plan. I
10 relied on the fiscal plan as it exists, and I
11 looked for consistencies or inconsistencies with
12 the plan of adjustment. That was the scope of my
13 work.

14 BY MS. JENNINGS:

15 Q. With regard to certain categories,
16 right?

17 A. With regard to the categories I
18 identified.

19 Q. Right. Not other categories.

20 A. The fiscal plan is what it is, so
21 the -- the categories you're talking about would
22 not -- would not come into the equation with what
23 I did.

24 Q. I understand that.

25 A. I accepted the certified fiscal plan

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11:14:40AM 1 as it is and then I compared that to the plan of
2 adjustment. I did not look at the certified
3 fiscal plan and have opinions about elements of
4 that fiscal plan that should or should not be
5 changed; for example, capital expenditures.
6 That's well outside the scope of the work that I
7 did.

8 Q. I think your testimony is clear on
9 that point. So if you look --

10 MS. JENNINGS: Can we put your
11 report back up on the screen?

12 And if we go to the opinion 1 page.
13 I forget what page it was.

14 BY MS. JENNINGS:

15 Q. Page 25 of your report.

16 Are you aware of any aspect of the
17 plan and the certified fiscal plan that are
18 inconsistent? Not limiting it to the two
19 elements that -- that you say are consistent.
20 Are you aware of anything in the plan and the
21 certified fiscal plan that are inconsistent?

22 A. I think I noted in the report that
23 the funding of the pension reserve trust was not
24 reflected in the certified fiscal plan.

25 Q. Is that something that you would

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11:17:13AM 1 consider inconsistent?

2 A. It's not inconsistent, because it
3 works within the certified fiscal plan. But I
4 did note that it was not -- it wasn't -- we did
5 not see it in the -- in the underlying work that
6 we reviewed.

7 Q. All right. So let me ask the
8 question again.

9 Is there anything in the plan and
10 the certified fiscal plan that in your opinion is
11 inconsistent?

12 A. Not that I've seen, no. There may
13 be some small things, but nothing material.

14 Q. What do you consider material?

15 A. I don't think there's really a
16 bright-line definition of material. It would
17 depend on the context.

18 Q. And the context in which you stated
19 it, what do you mean?

20 A. Well, if there was a provision, for
21 example, that the -- the -- the pension -- the
22 pension fund reserve was to be funded with
23 \$5 million up front, let's say, and that was
24 not -- if the trust was to be funded with
25 \$5 million up front, and somehow that was not --

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11:19:09AM 1 not reflected someplace, I don't know that I
2 would view that as material.

3 Q. I'm asking what you view as
4 material.

5 What is material? You used the word
6 material, so I'm asking you what it means, not
7 what does not qualify as material.

8 A. And I think I answered --

9 MS. DALE: Objection.

10 THE WITNESS: I said there isn't a
11 bright line test for what's material. It depends
12 on the context, and then I gave you an example of
13 something I don't think is material.

14 BY MS. JENNINGS:

15 Q. Okay. And so my question is really
16 different. It's what -- I'm trying to look for
17 what you consider material to be.

18 MS. DALE: Asked and answered.

19 THE WITNESS: It depends on the
20 context.

21 BY MS. JENNINGS:

22 Q. Okay. So let's take a look at
23 paragraph 62 in your report. There's your word
24 "context. "

25 The first sentence says, in this

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11:20:14AM 1 context -- you know what context you're referring
2 to there?

3 A. The context of my report.

4 Q. Okay. So in this context,
5 consistency means there are no material
6 provisions in the plan related to the three
7 categories -- that conflict with the 2021
8 certified fiscal plan -- (reading)?

9 Do you see that sentence?

10 A. Yes.

11 Q. And so in this context, which you
12 said is the context of your report, what does --
13 what are material provisions?

14 A. The material provisions relating to
15 the treatment of various stakeholders in the
16 plan.

17 MS. JENNINGS: Okay. Can you read
18 that answer back, Ms. Court Reporter? I want to
19 make sure I got it.

20 (Thereupon, the record was read.)

21 BY MS. JENNINGS:

22 Q. Okay. And what are those
23 provisions? What provisions are you considering
24 material? That's what I'm trying to get at.

25 A. How much money has to be set aside

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11:21:36AM 1 up front based on the treatment for certain
2 creditors, and what payment obligations are being
3 created on a going-forward basis, based on the
4 terms of the plan of adjustment.

5 Q. Okay. And here it says there's --
6 you talk about three categories of focus. What
7 are those three categories?

8 A. I believe that refers to the
9 System 2000 treatment, the emergency reserve
10 treatment, and the pension reserve trust.

11 Q. Is that your understanding? I --
12 I'm a little confused by your statement that you
13 believe it refers. Do you know what those refer
14 to?

15 A. I believe that's what it is. I'd
16 have -- I'd have to go back and talk to the team
17 about it.

18 Q. You don't know what your -- your
19 sentence in here in your report is referring to
20 without speaking to your team?

21 A. My understanding is that's what it
22 refers to.

23 Q. But you can't state that with
24 confidence without speaking to your team?

25 MS. DALE: Objection.

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11:23:22AM 1 THE WITNESS: I'd like to go back

2 and check with the team.

3 BY MS. JENNINGS:

4 Q. And in paragraph 62, you say that,
5 consistency does not mean that all provisions are
6 identical.

7 Do you see that? I'm
8 paraphrasing --

9 A. Yes.

10 Q. -- but that's what the sentence
11 saying.

12 And you say that provisions may not
13 be identical among other reasons, because from
14 are timing differences relating to when the 2021
15 certified fiscal plan and the plan were each
16 finalized, and because certain negotiations'
17 results were not necessarily known at the time of
18 the -- the -- the certification of the certified
19 fiscal plan. Right?

20 A. Yes.

21 Q. And when you say among other
22 reasons, what are the other reasons?

23 A. There may be other reasons.

24 Q. Do you know what those are?

25 A. Not sitting here today.

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11:24:54AM 1 Q. So when you wrote that, you really
2 meant there may be other reasons, but you are not
3 aware of any other reasons?

4 A. Yes.

5 Q. And I just want to go back to the
6 three categories of focus that you identify here.

7 Elsewhere in your report, both
8 before paragraph 62 and after, you refer to two
9 categories. In the opinion, you referred to --
10 the heading, you refer to two categories. In
11 paragraph 61, you refer to two categories.

12 Do you see that?

13 A. Yes.

14 Q. And then paragraph 63, you refer to
15 two categories. Do you see that?

16 A. Well, I think for certain categories
17 identified in one and two below.

18 Q. Okay. And in paragraph 64, you
19 refer to two categories, correct?

20 A. One and -- yes, one and two below.

21 Q. And then there are actually two
22 subheadings, titled One and Two in this section.

23 Do you see that?

24 A. Yes.

25 Q. Was there ever at some point a third

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11:26:58AM 1 category other than one and two that was included
2 in this report?

3 A. No -- not an opinion, no.

4 Q. Not of opinion number one?

5 A. No.

6 Q. And was there ever a third category
7 considered, to include in opinion number one?

8 A. I don't recall.

9 Q. You don't -- there may have been,
10 and you don't recall?

11 A. The same -- the same opinions may
12 have been organized differently in some way, but
13 I can't really recall the details of it.

14 Q. My question is, there may have been
15 a third category, but you don't recall whether
16 there was or not, is that -- do I have your
17 testimony correct?

18 MS. DALE: Objection. Misstates her
19 testimony.

20 THE WITNESS: There was no third
21 category of opinion. The categories may have
22 been arranged differently at some point, covering
23 the same information.

24 BY MS. JENNINGS:

25 Q. So there may have been categories

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11:28:45AM 1 one, two, and three, instead of categories one

2 and two? But you don't recall --

3 A. I --

4 Q. -- one way or the other?

5 A. I don't recall.

6 Q. Would you need to check with your
7 team on that?

8 A. Yes.

9 Q. Paragraph 63 talks about -- where it
10 states that you were able to verify -- something
11 just changed. Oh, there it is.

12 That you were able to verify no
13 inconsistencies with regard to your two
14 categories outlined, between the plan and the
15 200 -- 2021 certified fiscal plan from
16 information contained in those two documents as
17 well as additional documents or analyses.

18 Do you see that?

19 A. Yes.

20 Q. And if we can go to page 100 of your
21 report, Appendix C. Actually, it's not page 100.
22 Let me see. Page 95.

23 All right. This spans across a
24 couple pages. Are these the documents that you
25 considered in connection with the opinions

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11:30:54AM 1 provided in your report?

2 A. Yes.

3 Q. And are there any other documents
4 that you reviewed outside of these documents?

5 A. Yes.

6 Q. In connection --

7 A. What was -- you didn't finish your
8 question.

9 Q. Are there any other documents that
10 you reviewed in connection with preparing your
11 report?

12 A. Yes.

13 Q. Which documents?

14 A. I don't know, because I didn't think
15 they were relevant.

16 Q. Do you have any idea of how many
17 documents you reviewed in connection with the
18 preparation of your report that you ultimately --
19 that you determined were not relevant?

20 A. I don't have a firm number.

21 Q. Is it a handful? Is it dozens?

22 A. I don't real -- I can't give you a
23 number.

24 Q. Where did you come across these
25 documents?

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11:32:06AM 1 A. I mean, the -- I may have read an
2 article. It -- I looked at it, it wasn't
3 relevant. I didn't -- it's -- it didn't -- it --
4 it did not contribute to my analysis or
5 evaluation or the formation of my opinions.

6 Q. Do you have a list of those
7 documents anywhere?

8 A. I don't know. I'd have to check
9 with the team.

10 Q. Who on your team would you check
11 with to determine if you have a list of the
12 documents that you reviewed and considered
13 irrelevant?

14 A. Gara Paulson.

15 Q. And are these -- would the documents
16 be maintained electronically?

17 A. That's my understanding.

18 Q. And were they sent to you by e-mail?

19 A. I don't know that, one way or
20 another.

21 Q. So I'm just trying to gain an
22 understanding of -- you said you don't know the
23 number of documents. Are we talking, you know,
24 10 documents, 50 documents? Can you give me any
25 sort of ballpark?

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11:33:27AM 1 MS. DALE: Objection.
2 Asked and answered.
3 THE WITNESS: I said I couldn't give
4 you a count sitting --
5 BY MS. JENNINGS:
6 Q. Yeah, I'm not asking for a specific
7 count. I'm asking if you can give me a ballpark.
8 A. I can't imagine it was more than
9 maybe 20 documents.
10 Q. Okay.
11 A. But I don't -- I also cannot testify
12 with certainty on that number.
13 Q. Okay. And with regard to those
14 documents, were any of those documents provided
15 to you by counsel?
16 A. I don't believe so.
17 Q. Were any of those documents provided
18 to you by members of your team?
19 A. Potentially. I can't testify to it
20 one way or the other.
21 Q. Were any of the documents provided
22 to you by member -- or by any of your colleagues
23 at The Brattle Group?
24 A. You mean other than my team?
25 Q. Yes.

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11:35:00AM 1 A. I don't recall that, no.

2 Q. Okay. And were any of the
3 documents, documents that you affirmatively went
4 out to look for?

5 A. I don't recall that one way or the
6 other.

7 Q. And other than the people who I
8 asked you about -- your counsel, colleagues at
9 The Brattle Group, and your team members -- do
10 you know if you got any of these documents that
11 you reviewed but considered to be irrelevant from
12 any other source?

13 A. I don't recall getting documents
14 from any other source.

15 Q. Okay.

16 MS. DALE: Taleah, when it's
17 convenient, can we take a break for a few
18 minutes?

19 MS. JENNINGS: Yeah. Can we --
20 maybe five minutes? In about five minutes?

21 MS. DALE: That's fine. Yeah.

22 BY MS. JENNINGS:

23 Q. Is that good with you, Ms. Murray?

24 A. Yes.

25 Q. When we were looking at your report,

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11:36:01AM 1 you said you looked at -- you considered
2 documents and analyses. What -- are the analyses
3 identified in Appendix C at all, or are they
4 something different?

5 A. I don't believe they're something
6 different.

7 Q. So can you tell me on these
8 documents considered list which ones are
9 analyses?

10 A. Generally, which ones are analyses?

11 Q. Well, let's see how long the list
12 is. I don't think it's that long, so I would
13 like for you to identify any analyses.

14 A. Under Party Documents, the
15 Commonwealth 2021 Fiscal Plan Model.

16 Q. I'm sorry. Which page is that?

17 A. 96.

18 Q. Okay. Any other analyses that you
19 considered?

20 A. The FOMB Commonwealth Cash Position
21 Presentation.

22 I believe the FOMB Commonwealth of
23 Puerto Rico Title III Case: Plan Support
24 Agreement Presentation.

25 And the FOMB Puerto Rico's Proposed

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11:38:01AM 1 Plan of Adjustment Benefits Presentation.

2 And there may be others.

3 Q. Well, just take a look. It's only
4 another page or two.

5 A. Well, I'm saying I -- there may be
6 others on any of the pages I've looked at.

7 Q. Do you see any others?

8 A. Hold on just a moment.

9 I -- I can't give you an exclusive
10 list, because what I say in that paragraph is
11 that, in some cases, I was able to verify there
12 are no inconsistencies from the information
13 contained in those documents themselves, and in
14 other cases, I obtained additional documentation
15 or analysis so that I could evaluate...

16 I can't tell you, sitting here
17 today, which documents on my list -- and -- I
18 cannot tell you every single document on that
19 list that may have had some analysis. I am
20 pointing out to you certain documents on the list
21 that it's evident to me, looking at it, that it's
22 analysis. But there may be others, so I can't
23 give you an exhaustive list.

24 Q. But there's no analyses outside of
25 what's listed on these documents considered list?

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11:39:56AM 1 A. Not that I'm aware of.

2 Q. Well, you would be aware if you
3 considered them, right? There's none that exist
4 that are not listed on this Appendix C?

5 A. Not that I'm aware of. And the --
6 they should be cited in the body of the report as
7 well, whatever analysis we relied on.

8 Q. What is -- there is an analysis
9 cited called the Sources and Use of Funds
10 Analysis. What is that? And is that contained
11 in one of these documents?

12 A. Can you show me where it's cited,
13 please?

14 Q. Yeah. I'll give you an example.
15 Paragraph 65.

16 A. It does cite it at footnote 97.

17 Q. I see the citation. I'm asking you,
18 where -- where the analysis -- what's the
19 analysis? Or where is it? Is it in the
20 document?

21 A. It's in one of the -- it's in a
22 document that I believe is on a documents -- or
23 the document list.

24 Q. Do you know which document it is in?

25 A. I believe it is in -- but I would

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11:41:43AM 1 have to check with the team. But I think it's in
2 the document that's referred to as the FOMB
3 Commonwealth Cash Position Presentation of
4 August 23, 2021.

5 Q. Okay. We'll take a look. And is
6 there -- is it titled Sources and Uses of Fund
7 Analysis, do you recall what it looks like or how
8 many pages the analysis is?

9 A. I believe that the file title is
10 what's shown in footnote 97. That's the name of
11 the file. And I think that that document is one
12 of those FOMB presentations.

13 Q. But the actual analysis, does it
14 span across a certain number of pages or do you
15 recall what it looks like?

16 A. As I -- as I recall, it does.

17 Q. Okay. Do you recall how long it is?

18 A. No. But the footnote says that this
19 particular cite is to page 15 which --

20 Q. I'm just asking -- are you familiar
21 with the analysis? Because it's cite -- it's
22 cited quite frequently in your report, and I'm
23 just trying to identify what it is or if -- if
24 you have an understanding of what it is, what it
25 looks like?

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11:43:16AM 1 A. Yes. I think I just testified to
2 that.

3 Q. And so how many pages is it?

4 A. I -- I just testified I can't tell
5 you with specificity how many pages it is. But
6 because this cite is to page 15, that's
7 suggestive it's at least 15 pages.

8 Q. Is this an analysis that is more
9 than a hundred pages, to your knowledge, or is it
10 a table?

11 A. Is it a table?

12 Q. Yeah. I mean, like, you have tables
13 in your report. I'm just trying to get a sense
14 of what it is. Is it a hundred-page analysis
15 you're citing here, or is this a, you know, a
16 sort of table, a chart, or --

17 A. Well, it says in the footnote, it's
18 a PowerPoint presentation.

19 Q. The analysis is the entire
20 PowerPoint presentation?

21 A. The analysis is contained in a
22 PowerPoint presentation.

23 Q. Okay. And so that's what I'm trying
24 to get at.

25 Is the analysis like a chart that is

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11:44:21AM 1 in a PowerPoint presentation? Is it a discussion
2 that spans a hundred pages? Or some other number
3 of pages? What is it?

4 A. It's a -- it's a -- it's not a
5 chart. It's -- it's a visual representation.

6 MS. DALE: Why don't we just call up
7 the document that's cited?

8 MS. JENNINGS: Well, I actually am
9 interested to hear if Ms. Murray knows what the
10 document is.

11 MS. DALE: She's been testifying
12 about it for the last five minutes.

13 MS. JENNINGS: Yeah.

14 BY MS. JENNINGS:

15 Q. And so when you say it's a visual
16 representation, can you describe what that is?

17 A. Yes. It's -- you start off with a
18 certain amount of cash, and then you -- the cash
19 is used for certain expenditures or
20 disbursements, and then you are left with a
21 certain amount of cash. It's a bridge between
22 what your cash is at a point of time and what
23 your cash is going to be after you institute
24 certain elements of the plan of adjustment.

25 Q. And do you know who prepared it, the

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11:45:37AM 1 visual representation you're referring to?

2 A. I -- my understanding, it was -- it
3 was prepared by one of the financial advisors to
4 the FOMB.

5 Q. Do you know which one?

6 A. I do not.

7 Q. And did you have any discussions
8 with any of the financial advisors about this
9 analysis or visual representation?

10 A. I don't recall it.

11 Is this a good time for a break?

12 MS. JENNINGS: Yes. I think this is
13 a good time for a break.

14 THE VIDEOGRAPHER: Okay. One
15 moment. We're going off the record at 11:46.
16 Please stand by.

17 (A brief recess was taken.)

18 THE VIDEOGRAPHER: We are back on
19 the video record at 12:02.

20 BY MS. JENNINGS:

21 Q. Ms. Murray, I have a few more
22 questions about your Appendix C, the documents
23 considered list.

24 A. Sure.

25 Q. Did you prepare Appendix C?

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12:02:27PM 1 A. I did not personally prepare

2 Appendix C.

3 Q. Do you know who did?

4 A. As I recall, Gara Paulson prepared

5 Appendix C.

6 Q. Okay. And in the first -- the first
7 line under the title, says, In considering the
8 documents listed below, a review was performed of
9 those portions of documents that were relevant to
10 Brattle's analysis and evaluation of the issues
11 addressed in this report. Do you see that?

12 A. Yes.

13 Q. And where it says, A review was
14 performed, is that a review by you or someone
15 else?

16 I mean, did you review all of these
17 documents that are listed in Appendix C?

18 A. In connection with preparing
19 Appendix C?

20 Q. In connection with preparing your
21 report.

22 A. I reviewed many of them. I can't
23 say I reviewed every single one.

24 Q. And so when it says a review was
25 performed, was a review performed by someone else

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12:03:51PM 1 of the documents you didn't review?

2 A. Yes.

3 Q. By whom?

4 A. Gara Paulson and other members of
5 the team.

6 Q. Can you identify the documents that
7 you did not review on this report?

8 A. I can't review -- I can't recall
9 having reviewed the latest audited financial
10 statement for the debtors.

11 Q. Anything else?

12 A. An example -- I can't recall having
13 reviewed the Certified COFINA Fiscal Plan. I may
14 have; I just don't recall it.

15 Q. Anything else?

16 A. I can't recall reviewing the Amended
17 Order and Judgment Confirming the Third Amended
18 Title III Plan of Adjustment of Puerto Rico Sales
19 Tax Financing Corporation.

20 Q. Anything else?

21 A. I can't read -- I can't recall
22 reviewing -- I don't know. I may have reviewed
23 that. The Capital Appreciation Bonds, Fiscal
24 Notes, March 2016. Current Interest Bonds, Law
25 Insider. I can't recall one way or the other, I

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12:06:56PM 1 may have read those.

2 (Notary interruption.)

3 BY MS. JENNINGS:

4 Q. Are you done with your list?

5 A. I mean, it's a long list of
6 documents that I need to review to answer your
7 question. And in some cases I can't recall
8 whether I looked at it or not.

9 Q. You don't know whether you read
10 something --

11 A. Most of -- most of these documents I
12 did review.

13 Q. And it says, A review was performed
14 of those portions of documents that were relevant
15 to Brattle Analysis.

16 The Brattle Analysis is your report,
17 right?

18 A. Yes.

19 Q. And who determined which portions of
20 documents were relevant to your report?

21 A. I can't say there was any one person
22 that determined that. It would be a team effort.

23 Q. Do you have any record of which
24 portions were deemed relevant to your report?

25 A. Do I have the record? Personally?

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12:08:28PM 1 Q. Does anyone have a record? Does a
2 record exist?
3 A. I believe so.
4 Q. In what form?
5 A. I -- I couldn't tell you that.
6 Q. So what is your belief based upon?
7 A. Our usual custom and practice.
8 Q. Which is what?
9 A. That we would have a record of that.
10 Q. Of the portions of the documents
11 that you reviewed?
12 A. Yes.
13 Q. And in your regular custom and
14 practice, in what form does that record -- is
15 that record created?
16 A. I can't answer that.
17 Q. You don't know what your regular --
18 (Overlapping speakers.)
19 A. -- what the form is.
20 Q. You said -- you've just testified
21 that you had a custom and practice of retaining
22 that information, of having --
23 A. I said the firm -- I said the firm
24 has a custom and practice of retaining the
25 information.

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12:09:34PM 1 Q. And you don't know in what form that
2 record is retained?

3 A. I can't specify -- I can't testify
4 to it, no.

5 Q. Okay. You can't testify to the
6 custom and practice of your firm's practices?

7 A. I can't testify to the form in which
8 the record is retained.

9 Q. Okay. Let's take a look at
10 paragraph 65 of your report. It's on page 27 of
11 the report. And I guess it's really the heading,
12 this number 1. That's the first part of your
13 opinion one, right?

14 A. Yes.

15 Q. That the, Implementation of the plan
16 will leave debtors with sufficient cash,
17 consistent with the up-front cash needs
18 anticipated as part of the certified fiscal plan.
19 Right?

20 A. Yes.

21 Q. What are the up-front cash needs?

22 A. The up-front cash needs include
23 paying out any cash that's required to be paid
24 out under the plan to stakeholders as well as
25 setting aside money for the System 2000

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12:11:08PM 1 settlement, setting aside money for an emergency

2 reserve.

3 Q. Anything else?

4 A. Leaving sufficient cash in the

5 Commonwealth.

6 Q. For what purpose?

7 A. To operate, for working capital.

8 Q. And what is the -- a sufficient

9 amount that needs to be left in the Commonwealth
10 for operations?

11 A. My understanding is it is somewhere

12 around 2.5 billion.

13 Q. And does that -- where -- where does
14 that understanding come from?

15 A. My review of the documents.

16 Q. Which documents?

17 A. I can't recall.

18 Q. So is it your testimony that you

19 understand that the Commonwealth needs

20 \$2.5 billion as part of its up-front cash needs,

21 outside of cash that would be paid to the

22 stakeholders, the emergency fund, System 2000,

23 just for operational purposes?

24 A. It's my understanding that -- that

25 the parties had -- I believe that the

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12:13:43PM 1 Commonwealth needs a certain amount of funds
2 available upon emergence.

3 Q. Which parties?

4 A. The -- the parties that are involved
5 with formulating the plan of adjustment and the
6 FOMB.

7 Q. And your understanding is that those
8 parties believe that they need \$2.5 billion to --
9 for the Commonwealth to operate outside of paying
10 cash to stakeholders, system 2000, and the
11 emergency funds?

12 A. It's my understanding that the
13 parties believe that there's a certain amount of
14 cash that would be prudent to have in the
15 Commonwealth upon emergence.

16 Q. And is that -- is it your
17 understanding that that amount is \$2.5 billion?

18 A. It's my understanding that it's a
19 combination of cash and other facilities, and it
20 could be \$2.5 billion.

21 Q. And you don't know other than saying
22 based on some documents that you don't -- and you
23 can't identify them, that's where your
24 understanding comes from on that --

25 MS. DALE: Objection. Objection to

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12:15:07PM 1 the form.

2 THE WITNESS: My recollection -- my
3 recollection it's -- it is either in the
4 disclosure statement or it's in the certified
5 fiscal plan. I just can't recall sitting here
6 today where -- which of those two it's in.

7 BY MS. JENNINGS:

8 Q. That figure, 2.5 billion?

9 A. Yes.

10 Q. And based on your review of the plan
11 and the fiscal plan and all of the other
12 documents you've seen, is it your
13 understanding -- so you're saying now it's what
14 the parties believe. Is it your understanding
15 that the Commonwealth needs 2 -- an extra \$2.5
16 billion in up-front cash in addition to the
17 amount needed to pay out cash to the
18 stakeholders, System 2000, and then the emergency
19 fund? Is that --

20 A. I --

21 Q. Is --

22 A. I did not evaluate that. That's
23 outside the scope of my report.

24 Q. I believe you just testified before
25 we went into detail that part of the up-front

UNCERTIFIED ROUGH DRAFT

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12:16:31PM 1 cash needs you -- you described what those
2 contain -- and you said there was, the System
3 2000, the emergency funds, paying out cash to
4 stakeholders, and leaving a sufficient amount in
5 the Commonwealth to operate. And I asked you how
6 much is necessary for the Commonwealth to
7 operate, and your answer was \$2.5 billion. Are
8 you now saying that that's outside the scope of
9 what you were asked to look at, or is that
10 actually your understanding?

11 A. No, I believe that my answer was, if
12 that's what the parties believe is prudent to
13 leave in the Commonwealth, so that the
14 Commonwealth has sufficient working capital with
15 which to operate. I did not independently do an
16 analysis of what that number should be, and that
17 was outside the scope of my report.

18 Q. Okay. And you don't know whether
19 that's -- an accurate number or not? That's just
20 what you understand the parties, like the FOMB,
21 to believe, correct?

22 A. Yes. Yes. And the -- the other
23 parties.

24 Q. And is it your understanding that
25 other than the amount needed to pay cash to the

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12:17:46PM 1 stakeholders, outside of the System 2000
2 settlement funds, and the emergency funds that
3 are required, there is approximately \$2.5 billion
4 in leftover cash?

5 A. Yes, that's listed in my report,
6 it's in Table 3. It indicates that there --
7 there should be 2.4 -- 2.426 billion in cash,
8 plus the emergency reserve balance at emergence
9 of 390 million for a total of \$2.816 billion.

10 Q. So your answer is, yes, you do
11 understand that that will be left over in
12 addition, correct?

13 A. That was based on the projected
14 sources and uses of funds as of the date I looked
15 at it, and that may have changed.

16 Q. I want to go to page 29 of your
17 report, which is the second category that you've
18 identified as opining on. And here, your
19 opinion, if I'm reviewing it right, is that
20 implementation of the plan will result in a level
21 of future debt service that is consistent with
22 sustainable debt levels as set forth in the 2021
23 certified fiscal plan, correct?

24 A. Yes.

25 Q. And what are sustainable debt levels

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12:19:33PM 1 as you're referring to them here?

2 A. Levels of debt and debt service that
3 the Commonwealth can handle, given the certified
4 fiscal plan projections.

5 Q. And how do you come -- how did you
6 come to that determination of what they could
7 handle?

8 A. I looked at the -- the debt
9 sustainability analysis that's in the fiscal
10 plan, and I evaluated whether the levels of debt
11 that are going to be incurred, that result in
12 noncontingent debt payments, are consistent with
13 the debt sustainability analysis in the fiscal
14 plan. And I also looked at -- as I mentioned
15 earlier, I also looked at the -- the levels of
16 debt service that have been agreed to as part of
17 the plan, which is the 7.94 percent that I was
18 referencing earlier, to confirm that the levels
19 of noncontingent debt service that are going to
20 be created as a result of the plan of adjustment
21 fall within that 7.94 percent ceiling.

22 Q. If we can scroll to paragraph 79. I
23 want to look at another one of your sentences.

24 By the way, you testified that you
25 wrote this report, correct?

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12:21:08PM 1 A. Yes. You asked me that.

2 Q. And when you said -- when you say
3 thank you wrote the report, did you write all the
4 words in the report, or did your team write some
5 of the report? I just want to make sure I
6 understand what you mean when you say you wrote
7 it.

8 A. I wrote the report. The report is
9 my work product. And I was assisted by a team.
10 But I -- I wrote the report.

11 Q. The first sentence here says, in
12 providing a framework for how much debt service
13 the Commonwealth can reasonably carry going
14 forward, the DSA considers a number of factors.

15 When you say, how much debt service
16 the Commonwealth can reasonably carry going
17 forward, what -- do you have an understanding of
18 what reasonably means here?

19 A. Yes.

20 Q. What is that?

21 A. It's reasonable, it's prudent, it
22 doesn't over-leverage. It -- it makes it
23 possible that the Commonwealth will have access
24 to the capital markets in the future. It's
25 reasonable. Commercially reasonable.

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12:22:36PM 1 Q. And is that based on your judgment,
2 or some objective standard, other than what
3 you've already testified about?

4 A. I'm not sure I understand your
5 question.

6 Q. Commercially -- commercially
7 reasonable.

8 When you conclude that something is
9 commercially reasonable in the context that you
10 just testified to, is that your own judgment, or
11 is it pursuant to some test or objective standard
12 that you know of?

13 A. Well, in this case, the debt
14 sustainability analysis includes a number of
15 metrics that are deemed relevant in determining
16 what a reasonable level of debt might be. So in
17 this case, I am considering metrics, and I am --
18 that are -- that are metrics that are provided,
19 and I am evaluating where the Commonwealth falls
20 in relation to those metrics.

21 Q. Based on your judgment?

22 A. And -- and I am saying in relation
23 to those metrics, it's reasonable.

24 Q. Based on your judgment?

25 A. Yes.

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12:24:17PM 1 MS. JENNINGS: This is actually a
2 good segue in your opinion 4, which is the
3 reasonableness of settlements that was reached by
4 the debtors.

5 And if I understand your opinion
6 number 4 correctly, your opinion number 4 is the
7 settlements reached by the debtors is -- are
8 reasonable; is that right?

9 A. Commercially reasonable, yes.

10 Q. Okay. When you say -- are you
11 making a distinction between reasonable and
12 commercially reasonable in your response?

13 A. Well, I'm not providing a legal
14 opinion as to what reasonable may or may not be
15 in some context. I'm not here to provide legal
16 opinion. I am an expert on bankruptcy and
17 restructuring and restructuring negotiations, and
18 I'm saying in the context of bankruptcy and
19 restructuring negotiations that the settlements
20 are reasonable, commercially reasonable.

21 Q. Okay. But are you -- I'm just --
22 I -- I'm -- I don't know if it's wordplay or not,
23 but I want to make sure I understand your
24 testimony.

25 Is it that the settlements are, in

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12:25:28PM 1 your words, commercially reasonable, or that the
2 settlements are reasonable?

3 MS. DALE: Objection.

4 BY MS. JENNINGS:

5 Q. What is your testimony?

6 A. The settlements are reasonable, and
7 when I use that word, I'm not providing legal
8 opinion as to what reasonable may be judicially
9 determined. I am saying as an industry
10 practitioner, and someone who's been involved
11 with bankruptcy and restructurings now for
12 35 years, that I view the settlements as
13 reasonable.

14 Q. And have you ever provided expert
15 testimony on the reasonableness of a settlement?

16 A. I provided testimony on
17 reasonableness in a number of matters.

18 Q. I -- I'm not sure I follow.

19 Do you -- can you -- can you answer
20 my question with a yes or no answer? Have you
21 provided expert testimony regarding -- ever,
22 regarding whether a settlement was reasonable?

23 A. Yeah, I may have. I have to go
24 through my CV.

25 Q. Go through it, because I'd like

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12:26:45PM 1 to -- I would like you to do that.

2 A. I have given testimony on the
3 reasonableness of reserves that should be set
4 aside.

5 Q. That's not my question, Ms. Murray.

6 A. I don't know that I've given
7 testimony specifically on whether a settlement is
8 reasonable. I've given testimony in other
9 bankruptcy and restructuring-related topics about
10 reaching settlements and restructurings, and I've
11 been retained as an expert in matters that relate
12 to reaching settlements and bankruptcies and
13 restructurings, and I have also served as a
14 financial advisor in bankruptcies and
15 restructurings.

16 MS. JENNINGS: Okay. I think
17 Ms. Dale would like to take a break at this
18 point. I just want to ask one question.

19 BY MS. JENNINGS:

20 Q. During the last break, did you speak
21 to anybody?

22 A. Yes.

23 Q. Who did you speak to?

24 A. I spoke to counsel.

25 Q. And what was the -- did you speak

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12:29:32PM 1 about your testimony?

2 A. No.

3 Q. What was the topic of conversation?

4 MS. DALE: We're not answering these
5 questions, Taleah. The conversations that I have
6 with the witness are protected.

7 MS. JENNINGS: I didn't ask you,
8 Ms. Dale. I asked Ms. Mart -- Ms. Murray.

9 MS. DALE: Well, I will direct her
10 not to answer that question. Appreciate that I
11 need to get off the phone.

12 BY MS. JENNINGS:

13 Q. Ms. Murray are you going to accept
14 that instruction and not answer the question
15 about what you spoke to counsel about during the
16 break?

17 A. Yes, I'm going to follow the
18 instruction of counsel.

19 Q. Okay.

20 MS. JENNINGS: Yes, let's pick up --
21 why don't we just do a 1:15? Does that work for
22 everyone?

23 MS. DALE: That would be great.
24 Thank you.

25 THE VIDEOGRAPHER: Going off the

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12:30:21PM 1 record at 12:30. Please stand by.

2 (Thereupon, a luncheon recess was
3 taken.)

4 THE VIDEOGRAPHER: We are back on
5 the video record at 1:16.

6 BY MS. JENNINGS:

7 Q. Good afternoon, Ms. Murray.

8 A. Good afternoon.

9 Q. I'm just going to pick up where we
10 left off. We were talking about your opinion
11 number 4.

12 Have you ever provided expert
13 testimony on the typical custom and practice used
14 in connection with settlements?

15 MS. DALE: Objection to the form.

16 THE WITNESS: Yeah, I've been
17 retained to provide testimony on that. And the
18 case I was retained in settled prior to my report
19 being filed.

20 BY MS. JENNINGS:

21 Q. You -- you prepared a report on the
22 custom and practice of settlements?

23 A. Yes, in the context of bankruptcy
24 restructuring.

25 Q. Okay. But you did not -- you were

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01:17:09PM 1 not able to provide testimony in connection with
2 that?

3 A. The case settled prior to my
4 providing testimony.

5 Q. And have you ever -- is that the
6 only instance in which you were retained to
7 provide expert testimony on that issue?

8 A. Expert -- can you repeat, expert
9 testimony on?

10 Q. On the issue of typical custom and
11 practice for settlements.

12 MS. DALE: Objection to the form.

13 THE WITNESS: I have been -- I have
14 been an expert in a case that dealt with industry
15 custom and practice for reasonable best efforts
16 in connection with M&A transactions, which is
17 somewhat related.

18 BY MS. JENNINGS:

19 Q. Okay. But what about in connection
20 with settlements?

21 A. Well, I think it's somewhat related
22 to settlements, because it would relate to
23 settling -- with respect to certain provisions of
24 a -- of a contract.

25 Q. What about settlements of legal

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01:18:32PM 1 claims, to be more specific?

2 A. Settlements --

3 MS. DALE: Objection to the form.

4 THE WITNESS: Okay. Settlements of
5 legal claims?

6 BY MS. JENNINGS:

7 Q. Yes.

8 A. Have I been retained as an expert?

9 Q. That was my question.

10 A. Okay. That's -- I think that's
11 different than the question you were asking
12 before. But let me think about that one. I
13 can't recall whether I've been retained as an
14 expert on the topic of settling legal claims, but
15 I certainly have settled a number of legal claims
16 myself.

17 Q. Have you ever been provided expert
18 testimony regarding whether stakeholders were
19 well equipped to act in their economic best
20 interests, other than in connection with this
21 proceeding?

22 A. The -- the matter I was alluding to
23 before, where I was the retained expert on
24 industry custom and practice in debt
25 restructurings would fall in that category.

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01:20:01PM 1 Q. And in that category you provided
2 testimony regarding whether stakeholders were
3 well equipped to act in their economic best
4 interests?

5 A. I wrote a report on it, but it
6 settled before it got to trial.

7 Q. Okay. Regarding that issue?

8 A. Yes, on that issue.

9 Q. Okay. And have you ever -- you've
10 provided expert testimony in a range of matters,
11 right?

12 A. Yes.

13 Q. Have you ever been excluded from
14 testifying?

15 A. No.

16 Q. Okay. I want to direct you to
17 paragraph -- let's see, page 52 of your report.

18 And this is the first subheading under your
19 opinion number 4, which I'm looking at. The
20 stakeholders were sophisticated parties
21 represented by qualified counsel and advisors.

22 Do you see that?

23 A. Yes.

24 Q. And is that an opinion that you're
25 providing in connection with your engagement as

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01:21:23PM 1 an expert witness here?

2 A. Yes.

3 Q. Is it your opinion that that
4 statement is meaningful to whether or not the
5 settlements that were reached by the debtors are
6 reasonable?

7 A. Yes.

8 Q. And what is meaningful about that?

9 A. The process --

10 Q. Let -- let me break it out.

11 What is meaningful about being
12 represented by qualified counsel? And then I'll
13 ask separately about advisors.

14 A. It's meaningful, because you have
15 experienced parties who have worked on other
16 restructuring to advise you in your settlement
17 negotiations.

18 Q. And what about -- what is meaningful
19 about being represented by advisors in connection
20 with settlement discussions?

21 A. It's meaningful, because you have
22 parties who are experienced in other
23 restructurings to advise you on your options and
24 recommend various courses of action to you, and
25 do various financial analyses to support your

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01:22:40PM 1 negotiating posture in a restructuring.

2 Q. And so without the advisors, would
3 you take that into consideration in your
4 reasonableness opinion, if the stakeholder did
5 not have an advisor?

6 A. That would depend on the facts and
7 circumstances.

8 Q. Let's take a look at table 12, which
9 is on page 54 of your report.

10 First question here is: Did you
11 prepare this table?

12 A. Brattle prepared the table.

13 Q. Who at Brattle?

14 A. Members of my team.

15 Q. Do you know who?

16 A. I believe Julia Zhu, and there may
17 have been others assisting.

18 Q. How many members were a part of your
19 team at Brattle?

20 A. It varied at various points in time.

21 Q. So you were engaged in, you said,
22 early August, and you prepared -- your report is
23 dated, I think, September 15th, if I'm not
24 mistaken.

25 MS. DALE: 13th.

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01:24:01PM 1 THE WITNESS: The report is dated
2 September 13th.
3 BY MS. JENNINGS:
4 Q. Right. So you were engaged for --
5 was it a six-week period if we assume the very
6 beginning of August?
7 A. Five or six weeks, I think.
8 Q. Okay. And during that five or six
9 weeks, how many different members were on your
10 team at Brattle?
11 A. At any point in time, or over that
12 time in.
13 Q. Over that time period, how many
14 people were a -- were ever members of your team?
15 If you were to list the members, how many people
16 would be on that list?
17 A. I don't have an exact number for
18 you.
19 Q. Approximate number?
20 A. Eight to twelve.
21 Q. Okay. Can you list those 8 to 12
22 and tell me what their roles were?
23 A. I can list some of them.
24 Q. Okay. Let's start with the ones you
25 can.

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01:25:04PM 1 A. Julia Zhu.
2 Q. And what was her role?
3 A. She worked on -- she supported me on
4 certain aspects of the report.
5 Q. Which aspects?
6 A. She worked on certain of the
7 background information, and she worked on
8 information with respect to opinion 4, and there
9 may be other things. I can't recall exactly what
10 each person did.
11 Q. Okay. Who else?
12 A. Mohnish Zaveri. She worked on the
13 sources and uses of funds analysis, the cash
14 position, and interest may be other things. I
15 can't recall.
16 Q. All right. Next?
17 A. Nitin Bajaj.
18 Q. Role?
19 A. He worked on issues relating to the
20 pension settlement.
21 Q. Anything else?
22 A. There may be other items I can't
23 recall.
24 Q. Okay. Anyone else?
25 A. Gar Paulson.

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01:26:53PM 1 Q. Role?

2 A. She assists with report preparation,
3 audit, documents, lists, things of that nature.

4 Q. What do you mean by report
5 preparation?

6 A. Preparing the report, formatting,
7 things of that nature.

8 Q. Like type -- actually typing the
9 report?

10 A. No. Not typing the report. Form --
11 maybe formatting the report, working on the
12 formatting of -- of footnotes, and involved with
13 quality control and audit of the report, working
14 on the documents list.

15 Q. Okay. That's four.

16 A. Anna Parlin.

17 Q. Mm-hmm. Role?

18 A. She worked on aspects of the
19 background, and she also supported me in
20 connection with the debt sustainability analysis
21 and the pro forma levels that the Commonwealth
22 will have post-emergence, and there may have been
23 other things as well.

24 Q. Okay. Anyone else on your team at
25 any point in time?

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01:28:28PM 1 A. Yes.

2 Q. Do you want to continue to name
3 them, or no?

4 A. I was waiting for the question.
5 Rohit Nair, N-A-I-R.

6 Q. Role?

7 A. He provided support to the
8 individuals I previously mentioned on various
9 aspects of the report.

10 Q. Next?

11 A. Monet Lee.

12 Q. Role?

13 A. She provided support for the
14 individuals I've mentioned on various aspects of
15 the report.

16 Q. Next?

17 A. Those are the individuals that I can
18 recall sitting here today. There may be others.

19 Q. And you said -- you named seven
20 individuals, and you said there may have been
21 eight to twelve, right?

22 A. Yes.

23 Q. During that five-to-six-week period,
24 were you engaged -- were you working primarily on
25 this matter?

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01:29:58PM 1 A. Yes.

2 Q. More than half of your time spent on
3 this matter, would you say?

4 A. Yes, I think that's right.

5 Q. Okay. Full time?

6 MS. DALE: Objection to the form.

7 Is there a question? I mean, full time of what?

8 BY MS. JENNINGS:

9 Q. Do you understand what full time
10 means, Ms. Murray?

11 A. I think I need more of a time
12 specification, because there could have been days
13 I was working on it full time and then other days
14 I wasn't working on it full time.

15 Q. Okay. Of the five-to-six-week
16 period, how many days, approximately, were you
17 working on this matter full time?

18 A. I -- I can't answer that with it,
19 with any assuredness.

20 Q. Okay. Just tell me to the best of
21 your recollection. You asked me to ask you the
22 question that way, so I assume you have some
23 sense --

24 MS. DALE: Objection. She did not.

25 THE WITNESS: I don't recall asking

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01:31:04PM 1 you to ask me a question in any certain way. I
2 was simply saying that there could have been days
3 where I was working full time on this matter, and
4 there could have been other days that I wasn't.
5 I do have other matter -- I did have other
6 matters at the time, and I can't tell you with
7 specificity. I can tell you that I -- as I
8 recall it, I was working on this matter primarily
9 for periods of time between when -- whether I was
10 retained in August and September 13, when I filed
11 the report.

12 BY MS. JENNINGS:

13 Q. How many other matters were you
14 working on during that time period?

15 A. I can't -- I can't say.

16 Q. So it's October 13th. You don't
17 know a month ago how many matters you were
18 working on in addition to this matter?

19 A. Actually, I don't. I have a -- a
20 group of matters that some are more active than
21 others. Some things come in and out. And I
22 can't tell you with specificity what other
23 matters I was working on between my retention and
24 when the report was filed, without going back and
25 looking at my records. I can tell you, as you're

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01:32:40PM 1 aware, I did have an arbitration in another
2 matter, and I -- it -- the -- it occurred in late
3 September, and I do recall I had a rebuttal
4 report in that matter, as well. So I do believe
5 there was some other work going on in that matter
6 and potentially other matters, but I cannot tell
7 you with specificity.

8 Q. Are you working on multiple matters
9 today? I don't mean today. I mean at this time
10 period.

11 MS. DALE: Objection to the form.

12 THE WITNESS: Yes.

13 BY MS. JENNINGS:

14 Q. And how many matters are you working
15 on at this time, as of this date?

16 A. Well, when you -- when you say
17 working on, and you want me to do a count, what
18 do you mean by that?

19 Q. Whatever you mean by it when you say
20 you're working on many matters. I'm trying to
21 find out how many matter you're -- you don't
22 remember how many you were working on a month
23 ago. So I'm asking you if you know how many
24 you're working on now.

25 MS. DALE: Objection to the form.

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01:33:47PM 1 THE WITNESS: I need a little more
2 specificity on what we mean when we say working
3 on. If --
4 BY MS. JENNINGS:
5 Q. Well, what do you mean?
6 A. Well, I'm engaged in a number of
7 other matters.
8 Q. Okay. And so how many --
9 (Overlapping speakers.)
10 Go ahead.
11 A. And my work on those matters, it may
12 come in and out over time.
13 Q. Okay. How many matters are you
14 engaged on today?
15 A. I would have to it, to take pen to
16 paper to determine that.
17 Q. There's that many?
18 A. It's -- it -- there are enough that
19 I would need to take pen to paper to determine
20 it, which I can do in a break.
21 Q. Is it more than ten?
22 (Audio difficulties.)
23 I'm sorry?
24 A. I can't testify that it's more than
25 ten. I think it's probably not more than ten,

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01:35:07PM 1 but I can't really testify to it without putting
2 pen to paper.

3 Q. More than five?

4 A. Yes.

5 Q. So somewhere between, approximately,
6 five and ten.

7 Is that consistent with your general
8 assignment load at any given time?

9 MS. DALE: Objection to the form of
10 the question.

11 THE WITNESS: It varies over time,
12 and it really depends how -- what the workload is
13 in various matters that I'm engaged in as of a
14 point in time. I may be engaged in a matter, and
15 it may be in a lull period where there isn't much
16 work required; I'm still engaged.

17 BY MS. JENNINGS:

18 Q. And when you testify -- you
19 testified about custom and practice in various
20 situations. You base -- you must have a decent
21 memory if you're able to testify about custom and
22 practice based on experience; is that right?

23 MS. DALE: Objection to the form of
24 the question. Misstates her testimony.

25 THE WITNESS: Yeah, I -- I -- I

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01:36:16PM 1 think you mischaracterized what I testified
2 about. I testified about a -- a wide range of
3 matters, including industry custom and practice.
4 BY MS. JENNINGS:

5 Q. Yes. And so I'm talking about your
6 custom and practice testimony.

7 When you provide testimony regarding
8 custom and practice, it requires you to have a
9 decent memory, doesn't it?

10 MS. DALE: Objection to the form of
11 the question.

12 THE WITNESS: I don't know what you
13 mean.

14 BY MS. JENNINGS:

15 Q. Do you have a decent memory?

16 A. I think I do.

17 Q. Okay. But you don't remember how
18 many matters you were engaged on a month ago?

19 MS. DALE: Objection. Misstates her
20 testimony.

21 What is the point, Taleah? What are
22 we doing?

23 BY MS. JENNINGS:

24 Q. Ms. Murray?

25 A. You're --

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01:37:04PM 1 MS. JENNINGS: Ms. Dale, all you're
2 doing is supposed to object to form. I'm asking
3 questions, and Ms. Murray is supposed to answer
4 them. That's what we're doing.

5 THE WITNESS: Yeah. What I said is
6 I'm engaged in a number of matters. If you want
7 an exact count of how many matters I'm engaged
8 in, I would need to take pen to paper and do
9 that.

10 I don't see how that has any bearing
11 on what my memory is.

12 BY MS. JENNINGS:

13 Q. Okay. Are you -- do you know who
14 Mr. Prager is? David Prager?

15 A. Yes.

16 Q. And are you aware that Mr. Prager
17 submitted an expert report in connection with
18 this proceeding?

19 A. Yes.

20 Q. Have you read Mr. Prager's report?

21 A. No.

22 Q. Has anyone on your team, to your
23 knowledge, read his report?

24 A. No. That I'm aware of.

25 Q. Do you have any understanding as to

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01:38:01PM 1 what his report contains?

2 A. I have some understanding.

3 Q. What's your under --

4 MS. DALE: To the extent -- excuse
5 me, to the extent your understanding is based on
6 conversations with counsel, I'm going to add --
7 you know, just direct you not to answer. To the
8 extent it comes from some other source, go ahead.

9 BY MS. JENNINGS:

10 Q. So where does your understanding
11 come from?

12 A. From conversations with counsel.

13 Q. Okay. And do you plan -- based on
14 your understanding, do you -- do you dispute
15 anything that you understand as in Mr. Prager's
16 report?

17 MS. DALE: Objection to the form of
18 the question. I don't know how you answer that
19 question.

20 THE WITNESS: I --

21 MS. JENNINGS: -- Ms. Dale.

22 BY MS. JENNINGS:

23 Q. Ms. Murray --

24 A. Yeah, I don't -- I don't have enough
25 information. I don't have enough information to

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01:39:03PM 1 have a view on his report.

2 Q. Okay. One way or another? You
3 don't dispute nor accept?

4 A. I haven't reviewed his report. I
5 have no other -- I cannot offer you any opinion
6 about his report.

7 Q. Okay. But based on what you
8 understand his report to contain, do you dispute
9 anything in his report? I know that may be
10 limited. But based on what you know, do you
11 have -- do you dispute any aspect of his report?

12 MS. DALE: Objection to the form of
13 the question. I'm directing the witness not to
14 answer the question, because anything she knows
15 about it is coming from counsel. So how can she
16 possibly answer that without revealing something
17 that counsel told her.

18 MS. JENNINGS: Easy, by answering my
19 question, which is a yes or no question.

20 MS. DALE: No. Because it depends.
21 If she said, Yes, I dispute it, then you'd say,
22 Why?

23 BY MS. JENNINGS:

24 Q. Maybe. Maybe not. Let her answer
25 the question.

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01:39:57PM 1 MS. DALE: Well, she doesn't have

2 a -- Marti, you can answer the question.

3 THE WITNESS: I won't form an

4 opinion on anyone's expert report unless -- until

5 I've reviewed their expert report.

6 BY MS. JENNINGS:

7 Q. I take it you get that answer from

8 your counsel, but I appreciate it. Similar to

9 the rest of your report, but okay.

10 A. I'm sorry, I don't know what that

11 means. I -- my answers are my own.

12 MS. DALE: It's okay. Marti, don't

13 even engage. Just wait for the next question.

14 BY MS. JENNINGS:

15 Q. Let's take a look at paragraph --

16 well, we were looking at paragraph 103, I think,

17 and in that paragraph, you discussed the parties'

18 participation in mediation. Do you see that?

19 A. Yes.

20 Q. Okay. And in your view, does

21 participation in a mediation indicate one way or

22 another that a settlement is commercially

23 reasonable?

24 A. I think it's something that goes

25 into the mix when considering the -- the

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01:41:23PM 1 reasonableness of the process.

2 Q. So is your opinion that the process
3 in which the settlements reached were reasonable,
4 and the settlements themselves or --

5 A. It's my opinion that the parties
6 have been involved in -- in this restructuring
7 for over four years, and there've been a lot of
8 eyes on it, including through the mediation
9 process, and they're highly sophisticated
10 financial advisors and legal counsel advising the
11 parties. And many of the parties themselves are
12 very sophisticated parties that have been
13 involved in other municipal restructurings and
14 other large-bankruptcy restructuring cases, and I
15 think that those -- the combination of those
16 factors increases the likelihood that the
17 settlements are going to end up being
18 commercially reasonable.

19 Q. Okay. I don't think that was in
20 response to my question.

21 But is your position -- is it your
22 opinion that the process by which the settlements
23 are reached is reasonable, or that the
24 settlements themselves are reasonable?

25 A. I think it's both.

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01:42:54PM 1 Q. That's your opinion?

2 A. Yes. And -- and if you look at
3 Appendix A in the report --

4 Q. I was just -- it was actually just a
5 yes or no.

6 MS. DALE: Taleah, let the witness
7 answer the question.

8 MS. JENNINGS: She did. She did.
9 And there's no question pending. Let me ask my
10 next question.

11 MS. DALE: She. Wow, okay. You're
12 cutting off the witness from answering.

13 MS. JENNINGS: No, I'm cutting off
14 you, Margaret. Cutting you off.

15 MS. DALE: Cutting off the witness.
16 Make sure the record is clear.

17 BY MS. JENNINGS:

18 Q. Ms. Murray, how much do you know
19 about the mediation process in this case?

20 A. I know that there was a mediation
21 process. I know that there was a panel of judges
22 that were appointed to be mediators, that judge
23 Hauser was the head mediator.

24 Q. Have you had any conversations with
25 the mediation team?

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01:43:49PM 1 A. I have not.

2 Q. Did you participate in any of the
3 mediations?

4 A. No.

5 Q. Did you prepare any materials that
6 were used in connection with the mediations?

7 A. No.

8 Q. You mentioned that the parties to
9 the settlements were involved -- or were
10 represented by counsel with extensive experience
11 in restructuring, and you also mentioned in your
12 report that some of the major shareholders were
13 involved in the Detroit restructuring. Do you
14 recall stating that in your report?

15 A. No, I never said the shareholders
16 were involved in the Detroit restructuring.

17 Q. The stakeholders.

18 A. Stakeholders, correct.

19 Q. And do you consider that meaningful
20 for certain of the stakeholders to be involved in
21 the -- in the Detroit restructuring?

22 A. Yes.

23 Q. Why is that?

24 A. Because it's a large municipal
25 restructuring, and the parties have been through

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01:45:07PM 1 that before with respect to -- with respect to
2 their guarantees -- their guaranteeing -- or
3 ensuring certain of the debt of Detroit.

4 Q. And based on their participation,
5 you believe that makes the settlements in this
6 case more reasonable than not?

7 MS. DALE: Objection to the form.

8 THE WITNESS: I think it informs
9 their -- that they came into this case with prior
10 experience, which I think would be helpful to
11 them. In determining what they believe would be
12 a reasonable settlement.

13 BY MS. JENNINGS:

14 Q. And what about the ones who were not
15 involved in the Detroit restructuring?

16 A. What about them?

17 MS. DALE: What about --

18 BY MS. JENNINGS:

19 Q. What does it say about them?

20 MS. DALE: Objection to the form.

21 What does what say about them?

22 Marti, do you understand the
23 question?

24 THE WITNESS: Not really.

25 BY MS. JENNINGS:

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01:46:18PM 1 Q. Okay, Ms. Murray, if you don't
2 understand the question, you should ask me, and
3 I'm happy to clarify for you.
4 A. Could you clarify, please in.
5 Q. Yes.
6 So do you think that there is any
7 significance to the fact that some of the
8 stakeholders in this proceeding were not involved
9 in the Detroit restructuring?
10 A. Well, the stakeholders that I noted
11 as having been involved with the Detroit
12 restructuring, those are the stakeholders that I
13 could identify specifically that had been
14 involved with the Detroit restructuring. It
15 doesn't mean that other stakeholders are not
16 involved in the Detroit restructuring. And,
17 also, they were advised by sophisticated counsel
18 and sophisticated financial advisors, who also
19 may have been involved in prior restructurings.
20 So it's just something that goes into the mix.
21 It's not, you know, dispositive one way or
22 another, but it's another fact factor that would
23 increase the likelihood that you have parties
24 involved in these negotiations who are well
25 advised, who have had -- there's been plenty of

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01:47:30PM 1 time in this case of four-plus years, and you had
2 a mediation team to assist, and these are just
3 factors that go into the mix that make it more
4 likely that the settlement -- that the
5 settlements will be reasonable.

6 Q. And so if I understand you
7 correctly, it's -- it goes into the mix if they
8 were involved in the Detroit restructuring, but
9 it doesn't go into the mix if they were not
10 involved in the Detroit restructuring; is that
11 right?

12 A. It helps the process with respect to
13 those parties' negotiations and the positions
14 those parties might take in this case, that
15 they've been involved with prior restructurings.
16 Yes, it helps the process. And I can't -- I'm
17 not going to tell you that if somebody had not
18 been involved with the Detroit process, that they
19 were somehow more likely to enter into a
20 settlement that was not reasonable, because I'm
21 not saying that. But on the margin, it helps --
22 with those particular parties, the amount of
23 lines I was able to identify on the margin, it
24 did help. It would be helpful, in my opinion,
25 that they had had prior experience with a

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01:48:55PM 1 municipal restructuring.

2 Q. In paragraph 105 of your report, you
3 say that the restructuring of the City of Detroit
4 is viewed by some as the most comparable
5 restructuring to that of the Commonwealth. Do
6 you remember putting that in your report?

7 A. Yes.

8 Q. Is that how you view the Detroit
9 restructuring, as the most comparable
10 restructuring to that of the Commonwealth?

11 A. Well, I believe it's the -- it is
12 the largest municipal restructuring.

13 Q. Are you included in the people --
14 you say it's viewed by some as the most
15 comparable restructuring to that of the
16 Commonwealth. Does that include you?

17 A. No.

18 Q. -- way?

19 A. No, it did not include me.

20 Q. Because you were not involved in
21 that, right?

22 A. That's right.

23 Q. Who -- when you say it's viewed by
24 some as the most comparable restructuring, who
25 is -- who is -- who, to your knowledge, views it

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01:50:14PM 1 that way? Who are you referring to?

2 A. Yeah, there -- there should be a
3 cite there. I don't know why it isn't there.
4 There should be a citation to the source that
5 that was drawn from.

6 Q. So that's not based on your
7 knowledge. That's based on something that comes
8 from somewhere else?

9 A. Yes.

10 Q. And when you wrote that sentence,
11 did you understand at the time who viewed the
12 Detroit restructuring as the most comparable
13 restructuring to that of the Commonwealth?

14 A. Yes, as I recall, and as I just
15 mentioned, there should be a citation for that.

16 Q. Yeah. So when you wrote it, who did
17 you understand that to include?

18 A. It was cited to a document, and I
19 can't recall what it was.

20 Q. And -- so -- I'm not asking about
21 where the information came from. I'm asking,
22 when you wrote that sentence, did you have an
23 understanding as to who viewed the -- the Detroit
24 restructuring as the most comparable
25 restructuring to that of the Commonwealth?

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01:51:34PM 1 A. Yes.

2 Q. Okay. And do you recall who that --
3 those people or entities, who are unnamed in this
4 document, are?

5 A. No.

6 Q. Okay. So that's not something you
7 remember.

8 A. No, as I said, I think -- I believe
9 that should be cited to a document, and it's not.

10 Q. In paragraph 106, you comment --
11 it's actually the -- the subheading, that the
12 debtors have been successful at reaching
13 agreements with major creditor groups, and in 106
14 you say that the FOMB has reached agreements in
15 settlements with almost all major stakeholders
16 groups. Do you see that?

17 A. Yes.

18 Q. And --

19 A. As shown in Appendix A, which is in
20 the back of the report, which shows the evolution
21 of the settlements in the case that have been
22 reached over time.

23 Q. Okay. And in paragraph 115, if you
24 look at the second sentence, you say, The ability
25 to achieve such a consensus here is evidence in

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01:52:52PM 1 and of itself that the settlements are

2 reasonable.

3 Do you see that?

4 A. Yes.

5 Q. And what do you mean by that? What
6 does that mean, that sentence that you wrote?

7 A. It -- what it means is you have, you
8 know -- you have competing parties vying for a
9 slice of the pie. And these competing parties
10 are sophisticated parties. You have a veritable
11 who's who list of funds that specialize in
12 investing in distressed and bankrupt companies.
13 You have Goldman Sachs, you have Golden Tree, you
14 have Canyon Capital, you have Vada Capital, you
15 have the Monolines, you have the official
16 committees, the statutory committees in the case.
17 You have all of these parties represented by
18 sophisticated counsel/financial advisors, there's
19 a mediation team, there's been four-plus years to
20 work this out. It's going to be everyone's
21 natural tendency to fight for as big a piece of
22 the pie that they can get. So the fact that
23 you're able to achieve a consensus among all
24 these different parties, in my view, is in and of
25 itself an indicator that the settlements were

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01:54:32PM 1 reasonable. If they weren't reasonable, those
2 sophisticated parties would not have agreed to
3 them.

4 Q. So simply because those parties
5 agreed to them, and there was a number of
6 sophisticated parties, you think that's an
7 indication that the settlements are reasonable?

8 MS. DALE: Objection to the form.

9 BY MS. JENNINGS:

10 Q. Is that underlying your opinion?

11 MS. DALE: Objection to the form.

12 THE WITNESS: I -- I just -- I just
13 testified as to the constellation of issues that
14 I think provides evidence that the settlements
15 were reasonable. There's a consensus here
16 between most of the parties on Appendix A. And
17 when I look at Appendix A, there are one, two,
18 three, four, five, six, seven, eight, nine, ten,
19 11, 12, 13, 14, 15, 16, 17 -- 17 parties. I
20 think that's a pretty good indication that the
21 parties have gotten -- those parties have gotten
22 to a point where they mutually agree that they've
23 reached a reasonable solution, and they'd like to
24 go forward with that solution.

25 BY MS. JENNINGS:

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01:55:57PM 1 Q. And how does that inform you that
2 the underlying settlements are reasonable?

3 MS. DALE: Objection to the form and
4 asked and answered.

5 THE WITNESS: It's one of the --
6 it's one of the aspects that I considered, among
7 others.

8 BY MS. JENNINGS:

9 Q. So your last sub-point in this
10 section is that the settlements reached are
11 reasonable. Correct?

12 A. I'm sorry; where are you?

13 Q. I wasn't in a particular place. I
14 was just pointing out the final aspect of this
15 part of your opinion, is that the settlements
16 reached are reasonable.

17 A. They're reasonable from the
18 standpoint that they're commercially reasonable.

19 Q. Right.

20 A. Me, as an industry practitioner, as
21 someone who has been involved in more
22 restructurings in and out of bankruptcy than I
23 can count, and been involved with these processes
24 over my 35-year career, around bankruptcy and
25 restructuring.

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01:57:55PM 1 Q. And can you tell me what you
2 considered in determining that the various
3 settlements are commercially reasonable based on
4 your experience, not on the legal standard -- I
5 understand you're saying based on your
6 experience.

7 A. Well, I consider the process, as
8 we've been discussing, and I also consider the --
9 the upside scenario and the downside scenario
10 that these various categories of stakeholders may
11 have faced. If they ultimately prevailed on all
12 of the positions, or if they might take -- or if
13 they ultimately lost on positions that other
14 parties in the case might take.

15 Q. And did you do any independent -- or
16 did you conduct any independent analysis as to
17 what the upside scenarios would be, or could be?

18 A. Yes.

19 Q. What independent analysis did you
20 undertake?

21 A. It's included in my report. I
22 use --

23 Q. Describe it to me.

24 A. I'm happy to.

25 Q. Okay.

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01:59:09PM 1 A. I considered what the -- the upside
2 scenario and the downside scenario might be to
3 various classes of creditors if the Title III
4 case was dismissed and the parties just pursued
5 their legal remedies outside of a Title III
6 proceeding, without the plan of adjustment being
7 confirmed.

8 Q. And how did you come up with the
9 upside scenario figure?

10 A. I did not come up with a figure. I
11 relied on figures that are -- that are provided
12 as part of the best interests test report.

13 Q. So you did not conduct any
14 independent analysis to come up with the upside
15 scenario?

16 A. No.

17 Q. And you did not conduct any
18 independent analysis to arrive at the downside
19 scenario?

20 A. Well, let me -- let me rephrase
21 that -- my answer. I said, no. But the analysis
22 that I conducted was to look at the best interest
23 test reports and to extract from those reports
24 various expected recoveries given certain
25 outcomes, and then the analysis that -- that I

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02:00:33PM 1 did -- there was an analysis that I did that
2 overlaid the numbers that were in the best
3 interests test report. So I extracted numbers
4 from the best interests test report, and used
5 those numbers in my own analysis.

6 Q. Okay. I don't think that is
7 responsive to my question. What I asked was, you
8 didn't perform any independent analysis to come
9 up with the downside scenario figures, correct?

10 MS. DALE: Objection.

11 THE WITNESS: Actually, I was being
12 responsive. I was modifying the answer I had
13 given to your question about the upside scenario,
14 and because it's the same answer for the downside
15 scenario -- you framed the question as, you
16 didn't do any analysis to come up with. And what
17 I'm saying is, actually, I did do an analysis.

18 BY MS. JENNINGS:

19 Q. Right.

20 A. It was based on figures I extracted
21 from the best interests test reporting.

22 Q. But I'm asking you whether you did
23 an analysis to come up with those figures, and
24 what you're telling me is you took those figures
25 from the best interests test report?

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02:01:39PM 1 A. Yes. The analysis was the overlay.

2 Q. Okay. So you need to listen to my
3 question. It's whether you did any independent
4 analysis to come up with the upside scenario
5 figure.

6 A. I am listening to your question. In
7 my view, it is analysis.

8 Q. To come up with those figures?

9 A. No, I'm taking a number --

10 Q. So that's why you're not listening
11 to my question. The figures --

12 MS. DALE: Taleah, this is not
13 productive. She's trying to answer your
14 question.

15 MS. JENNINGS: No, she's trying to
16 evade the question.

17 MS. DALE: Why don't you ask her
18 what she means.

19 BY MS. JENNINGS:

20 Q. Why don't we do this ease -- why
21 don't you point to me, go to the actual figures
22 in your report.

23 MS. DALE: Yeah. Brilliant.

24 BY MS. JENNINGS:

25 Q. Where are those figures, Ms. Murray?

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02:02:23PM 1 Is that table 14?

2 A. Hold on just a moment.

3 Q. On page 67?

4 A. Yes, page 67.

5 Q. So --

6 A. This is my analysis.

7 Q. I haven't asked a question yet.

8 So if we look at the first line, the
9 general obligation bonds issued before 2012, do
10 you see the column low.

11 A. Yes.

12 Q. And what does that column mean?
13 What does that represent?

14 A. It represents the low end of an
15 estimated likely range of recoveries assuming the
16 Title III cases are dismissed and automatic stay
17 is lifted.

18 Q. And that's what you previously
19 referred to as the downside scenario, correct?

20 A. Yes.

21 Q. And so that number, 52 percent,
22 that's a number that comes from the best
23 interests test reports, correct?

24 A. Correct.

25 Q. Okay. And if you go -- if you

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02:03:31PM 1 scroll down through all of the remaining numbers
2 in there, under the column Low, which, as you
3 testified, is the downside scenario, those come
4 from the best interest report.

5 A. Correct.

6 Q. Correct? Okay.

7 Now, let's look at the next column.

8 It says, High at the top. Do you see that?

9 A. Yes.

10 Q. And that's upside scenario. That's
11 what you were referring to as upside scenario,
12 correct?

13 A. Correct.

14 Q. Okay. And that first figure is
15 100 percent. That comes from the McKinsey best
16 interests test report, correct?

17 A. Yes.

18 Q. And the same with the number right
19 below it, 84 percent?

20 A. Yes.

21 Q. And the remaining numbers in that
22 column of upside scenario figures, correct?

23 A. Yes.

24 Q. Okay. That's all I have to ask
25 about that.

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02:05:06PM 1 Ms. Murray, in your experience,
2 would it be reasonable for a debtor in a
3 bankruptcy proceeding to settle claims that would
4 require it to pay a separate debtor's
5 obligations?

6 MS. DALE: Objection. Incomplete
7 hypothetical.

8 THE WITNESS: Yeah, I would need
9 more information to -- to give you an opinion on
10 that.

11 BY MS. JENNINGS:

12 Q. You don't think it's -- you don't
13 think that's clear? You would need more
14 information, in some circumstances that would be
15 reasonable?

16 A. I would need more information.

17 Q. Well, are there any circumstances in
18 which that would be reasonable, based on your
19 experience? You are the expert here.

20 A. Can you repeat the question?

21 MS. JENNINGS: Miss court reporter,
22 can you please repeat the question?

23 (Thereupon, the record was read.)

24 MS. DALE: Objection to the form.

25 BY MS. JENNINGS:

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02:06:24PM 1 Q. Prior -- prior to that.
2 (Thereupon, the record was read.)
3 MS. DALE: Objection to the form.
4 THE WITNESS: I can't really answer
5 that, and I think that might be a legal question.
6 It could be reasonable, and then it's a matter
7 of -- you know, it -- it becomes a legal
8 question.
9 BY MS. JENNINGS:
10 Q. Based on your extensive experience
11 with settlements, has that ever occurred?
12 A. It may have. I just -- I can't
13 recall sitting here today.
14 Q. You can't think of one instance
15 where that has occurred?
16 A. I -- it may have occurred. I
17 can't -- I can't, off the top of my head, recite
18 to you which case it could have been.
19 Q. Okay. Why don't we take a short
20 break, and I think ten minutes would be good.
21 THE VIDEOGRAPHER: Okay. Going off
22 the record at 2:08. Please stand by.
23 (A brief recess was taken.)
24 THE VIDEOGRAPHER: We are back on
25 the video record at 2:19.

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02:19:23PM 1 BY MS. JENNINGS:

2 Q. Ms. Murray, good afternoon again.

3 A. Good afternoon.

4 Q. I think I have the magic words that
5 people love to hear in the early afternoon of a
6 deposition, which is I have no further questions
7 at this time. I will just open it up to my
8 co-counsel at McConnell Valdes to see if they
9 have any additional questions and, you know, any
10 other parties following them.

11 MR. GARCIA: Hello Marti, hello to
12 all, who is listening.

13 No, I do not have questions at the
14 moment, unless -- obviously, I will reserve my
15 right should any -- any other attorney ask
16 questions that would require us to jump in, or
17 jump back in. Thank you.

18 MS. JENNINGS: I think the baton
19 passes to you, Margaret, if you have anything.

20 MS. DALE: No, thanks, I'm done.

21 MS. JENNINGS: Thank you very much,
22 Ms. Murray. Thank you, everyone.

23 THE VIDEOGRAPHER: Going off the
24 record at 2:20. Please stand by.

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02:20:40PM 1 (The deposition was concluded at

2 2:20 p.m.)

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